

# WARRANT FOR SPECIAL TOWN MEETING

OXFORD COUNTY

STATE OF MAINE

To: Mary Fox, a resident of the town of Stoneham, in said county.

GREETINGS:

In the name of the State of Maine, you are hereby required to notify and warn the inhabitants Of Stoneham, qualified to vote in town affairs, to assemble at the Stoneham Fire Station, in said Stoneham on the 21<sup>st</sup> day of September A.D. 2017, at 7:30PM in the evening to act on the following articles, to wit:

## **ELECTIONS:**

Article 1. To choose and elect a moderator to preside over said meeting.

Article 2. Shall an Ordinance entitled 'Mass Gathering Ordinance, Town of Stoneham, Maine' be enacted?

## **Mass Gathering Ordinance**

### **Town of Stoneham, Maine**

#### **Chapter 1**

##### **General**

#### **1-101 Authority, Purpose, Applicability, Availability and Effective Date**

##### **1-101.1 Authority**

This Ordinance has been adopted pursuant to Article VIII-A, 2nd Part of the Maine Constitution, Title 30-A M.R.S.A. Section 3001, and Title 22 M.R.S.A. section 1602.5

##### **1-101.2 Purposes**

The Town of Stoneham recognizes the desirability of certain events, including but limited to exhibitions, festivals, music concerts, sporting events, and fairs, and hereby ordains the following to protect the general welfare and promote the public health, safety, and welfare by addressing issues arising there from, such as traffic congestion, crowd control, health and sanitation, compliance with alcohol and drug laws, excessive noise, and protection of public and private property.

##### **1-101.3 Applicability**

The provisions of this Ordinance shall apply to all Mass Gatherings as defined in Chapter 10. Except the provisions of this Ordinance shall not apply to:

- A. Events held by the Town of Stoneham and approved by the Board of Selectmen.
- B. The Susan L. Curtis Foundation shall be exempt from this ordinance.

The Town of Stoneham recognizes that unregulated Mass Gathering events pose a potential threat to the health, safety, and welfare of attendees and the Stoneham community. The specific purposes of this Ordinance are as follows:

- A. To ensure that large numbers of patrons, as defined by this Ordinance, do not overburden the local fire department, local rescue organization and municipal roadways leading to the location where the Mass Gathering event shall be held;
- B. To allow the safe passage of emergency vehicles, to reduce the incidence of delays of private individuals using the public roadway system throughout Town, and to prevent the obstruction of entrances to private homes and businesses so as to allow access to the same by the general public;

- C. To ensure the provision of adequate lodging, camping, parking, food, water, medical services, and sanitary waste water facilities for those in attendance at any Mass Gathering event;
- D. To prevent trespass and damage to private properties near and around the Mass Gathering event;
- E. To provide for sufficient security forces to cope with large crowds expected at such events and to prevent the violation of any law or breach of the peace, including but not limited to the illegal consumption of alcohol and drugs.
- F. To maintain and secure the use and peaceful enjoyment of property owners in their private homes, and to regulate the unwanted creation of noise, dust, glare, odor, congestion or otherwise that negatively impacts the peaceful use of personal properties caused by unauthorized intrusions;
- G. To eliminate the possibility of the creation of hazards to the health, safety, and welfare of both private citizens and patrons of the Mass Gathering events;
- H. To provide a balance between the right of assembly under the Constitution and the legitimate rights of privacy and security of the residents of Stoneham;
- I. To ensure that the Town is held harmless from any and all liability, damages, causes of action, claims including but not limited to those of all types pertaining to financial and legal burdens based on the potential adverse impact of a Mass Gathering on municipal services, infrastructure, and resources.
- J. To protect watercourses, wetlands, marshes, surface water, wooded areas, and other natural resources in the area by ensuring that the Mass Gathering is located in areas and conducted in ways that prevent adverse impacts thereon.

#### **1-101.4 Availability**

A certified copy of this Ordinance shall be filed with the Town Clerk and shall be accessible to any member of the public. Copies shall be made available to the public at reasonable cost at the expense of the person making the request. Notice of availability of this Code shall be posted.

#### **1-101.5 Effective Date**

The effective date of this Code is date of adoption by Town meeting.

#### **1-201 Conflicts and Validity and Severability**

##### **1-201.1 Conflicts with Other Ordinances**

Whenever a provision of this Ordinance conflicts with, or is inconsistent with, another provision of this Ordinance or of any other ordinance, regulation or statute, the more restrictive provision shall control.

##### **1-201.2 Validity and Severability**

Should any section or provision of this Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this Ordinance.

## **1-301 Amendments**

### **1-301.1 Procedure**

On written petition of a number of voters equal to at least 10% of the number of votes cast in the municipality at the last gubernatorial election, or on recommendation of the Planning Board, or on their motion, the Board of Selectmen may present one or more articles for a Town meeting warrant for consideration by the Town to amend, supplement, or repeal the provisions of this Ordinance.

### **1-301.2 Adoption of Amendments**

After a public hearing on proposed amendment(s), this Ordinance may be amended by a majority vote at either a regular or a special Town Meeting.

## **Chapter 2**

### **Permit Required, Fees, and Application Procedure**

#### **2-101.1 Permits Required**

- A. No person shall sponsor, promote, operate or hold any Mass Gathering in Stoneham without first procuring a Mass Gathering Permit issued by the Town.
- B. Permits for Mass Gatherings shall be issued by the Board of Selectmen.

#### **2-101.2 Fees**

- A. A non-refundable application fee shall be paid to the Town of Stoneham at the time an application for a Permit to conduct a Mass Gathering is filed and shall be according to the Fee Schedule as adopted by the Board of Selectmen.
- B. Permitting fees may be waived at the discretion of the Board of Selectmen only for good cause shown.

#### **2-101.3 Application Procedure**

- A. Any person seeking issuance of a Mass Gathering Permit shall submit four (4) copies of the application to the Code Enforcement Officer, on a form(s) provided by the Code Enforcement Officer, that contains plans and documentation relating to all items set forth in section 3-301.1 below not less than **60** days prior to the proposed event. The Code Enforcement Officer shall provide the applicant with a dated receipt of the application.
- B. Within ten (10) days from the receipt of application, the Code Enforcement Officer shall notify the applicant in writing either that the application is complete, or if it is incomplete, the specific sections and provisions of this Ordinance that need to be addressed to make a complete application.
- C. Upon receipt of additional information and determination that a complete application has been submitted for review, the Code Enforcement Officer shall issue a dated notice to the applicant and forward the application to the Board of Selectmen for consideration at its next regularly scheduled meeting.
- D. Upon forwarding the application to the Board of Selectmen, property owners within one thousand (1,000) feet of the edge of the property where the Mass Gathering is to be held, shall be notified by the applicant by Certified Mail, Return Receipt Requested, of a pending application for Mass Gathering review by the Town. The notice shall indicate the time, date, and place of the Board of Selectmen's first consideration of the application. Should the meeting for the first consideration of the application not be held for any reason, re-notification shall be provided by the applicant by Certified Mail, Return Receipt Requested, of the new date of the meeting.

- E. The Board of Selectmen shall set the date and hold the hearing within thirty (30) days of the receipt of a complete application and shall cause the applicant to publish notice, in a form acceptable to the Board of Selectmen, of the date, time, and place of the hearing in a newspaper of general circulation in the municipality at least twice; the date of the first publication to be at least seven days prior to the hearing. Notice of the public hearing shall be mailed by the applicant to all property owners within one thousand (1,000) feet of the edge of the property where the Mass Gathering is to be held, at least seven days prior to the hearing by the Board of Selectmen.
- F. Within fifteen (15) days, after the record is closed of a public hearing, or within another time limit as may be otherwise mutually agreed to by the Board of Selectmen and the applicant, the Selectmen shall issue an order to approve, approve with conditions or deny the application. The Board of Selectmen shall specify, in writing, its findings of facts and reasons for any conditions or denial.
  - a. The Board of Selectmen may deny an application due to any of the following items or any other reason:
    - I. the application contains false or misleading information or omits required information;
    - II. the Operator's financial backing is insufficient to ensure that the Mass Gathering will be conducted in the manner stated in the application;
    - III. the location selected for the Mass Gathering is inadequate for the purpose for which it will be used;
    - IV. the Operator has not made adequate preparations to limit the number of persons attending the Mass Gathering or to provide adequate supervision for minors attending the Mass Gathering;
    - V. the Operator does not have assurance that scheduled performers will appear;
    - VI. the preparations for the Mass Gathering do not ensure that minimum standards of sanitation and health will be maintained including, but not limited to, sanitary waste water disposal;
    - VII. the preparations for the Mass Gathering do not ensure that the Mass Gathering will be conducted in an orderly manner and that the physical safety of persons attending will be protected;
    - VIII. adequate arrangements for traffic control have not been provided;
    - IX. adequate medical and nursing care will not be available; or
    - X. lack of compliance with alcohol and drug laws
    - XI. one or more prior Mass Gatherings conducted by the applicant or upon the Landowner's property have failed to conform to the terms and conditions set forth in this ordinance;
    - XII. adequate arrangement to protect watercourses, wetlands, marshes, surface water, wooded areas, and other natural resources in the area have not been provided; or
    - XIII. any other provision of this Ordinance has not been satisfied.

## **Chapter 3**

### **Application Requirements and Submissions**

#### **3.101.1 Application Requirements and Submissions**

The following shall be included for an application for a Mass Gathering Permit.

- A. Written proof that the applicant is the owner of the property (the "Landowner") at which the Mass Gathering is to be held, or a letter proving ownership and identity of the Landowner, and with written permission from the Landowner.
- B. The nature of the Mass Gathering, dates and hours which Mass Gathering will be held, and anticipated attendance figure.
- C. Size of area to be used.

- D. A map and site plan of the area drawn to scale shall be used showing the location of all proposed toilets to be used, lavatory and bathing facilities, water supply sources, refuse disposal and collection facilities, areas of assemblage, camping areas, food service areas, ingress and egress of pedestrian and vehicular traffic, locations and number of off street parking spaces, and location and light level intensities of lighting, and locations of watercourses, wetlands, marshes, surface water, wooded areas, sand and gravel deposits, and other environmentally sensitive natural resources in the area.
- E. Details of provisions for preventing people in excess of maximum permissible number from gaining access to Mass Gathering area.
- F. Written description of the potable water supply to be used including, but not necessarily limited to:
  - 1. The source and its treatment and protection from pollution.
  - 2. For water distributed under pressure, the operating pressures to all fixtures and the rate of delivery in gallons per person per day.
  - 3. Where water is not available under pressure, and non-water carriage toilets are used, the gallons of water per person per day to be provided for drinking and washing purposes.
  - 4. Source of transported water.
  - 5. Manner of storage and dispensing of transported water.
- G. Written description of sanitary waste water disposal facilities, including but not necessarily limited to:
  - 1. Facilities to be provided.
  - 2. Maintenance.
- H. Written description of refuse disposal including, but not limited to:
  - 1. Measures to prevent odor, insect, rodent, and other nuisance conditions.
  - 2. The number and size of refuse containers to be provided.
  - 3. Accessibility of refuse containers.
  - 4. Frequency of collection of refuse.
  - 5. Location of disposal of refuse.
  - 6. Plans for cleaning area of refuse following Mass Gathering.
- I. Written description of sanitary facilities including, but not necessarily limited to:
  - 1. Number of toilets per person. (No less than 1 for each 100 persons.)
  - 2. Provisions for maintenance and cleaning of fixtures.
  - 3. Measures to provide privacy of toilets.
  - 4. Proposed type and source of drinking water facilities.
- J. Written description of medical facilities and services including, but not limited to:
  - 1. Names, positions, and qualifications of medical personnel to be available, and a statement whether such personnel will be on site or on call.
  - 2. Onsite facilities and supplies.
  - 3. Onsite first aid vehicles.
  - 4. Communication systems availability.
  - 5. Statement that area hospitals have been advised of the gathering.
- K. Written description of food service activities including, but not necessarily limited to:
  - 1. Facilities to be provided.
  - 2. Statement whether eating places servicing Mass Gathering are permitted.
- L. Written description of safety precautions including, but not necessarily limited to:
  - 1. Electrical system and equipment including provisions for wire and cabling.
  - 2. Onsite generator in the event of a power failure
  - 3. Onsite fire prevention equipment.
  - 4. Internal and external security control.
  - 5. A statement that both the State Police and Oxford County Sheriff's department have been notified.
  - 6. Contact information for a towing company that will promptly tow and store vehicles that are parked illegally on Town or private property at the vehicle owner's expense.
- M. Written description of sources, duration, and level of noise and method to control noise including, but not limited to:
  - 1. Proximity and impact on closest inhabitants.
  - 2. Expected noise level in decibels at perimeters of Mass Gathering area.

N. Written description of environmental and erosion controls that will be used to protect watercourses, wetlands, marshes, surface water, wooded areas, and other natural resources in the area, and what steps will be taken to protect any environmentally sensitive areas and to site the event as to not adversely impact the surrounding environment.

## **Insurance, Responsibility for Damage and Clean-up, Security Bond and Public Costs Escrow**

### **4-101.1 Insurance**

Prior to receiving the permit, but in no event any later than fifteen (15) days before the scheduled date of the Mass Gathering, the applicant shall provide the Town with a certificate of insurance issued by a reputable insurance company, licensed to do business in the State of Maine, providing liability insurance of at least \$1,000,000.00 per occurrence for bodily injury or death and \$400,000 per occurrence for property damage. The insurance policy shall name the Town as an additional insured and shall contain a clause providing that the policy may not be cancelled by either party except upon not less than ten (10) days advanced written notice to the Town.

### **4-101.2 Responsibility for Personal Injury, Property Damage, and Clean-up**

The Operator and Landowner shall be jointly responsible for assuring that the area in the vicinity of the Mass Gathering is cleared of any debris left by persons attending the Mass Gathering and for repairing or reimbursing the cost of repairing any damage to private or municipal property caused by the Operator or by persons attending the Mass Gathering. The Operator and Landowner shall be responsible for satisfying all other claims for personal injury, damage to real or personal property and or all other claims of any kind arising out of the Mass Gathering including but not limited to those caused by the Operator, the Operator's employees, or any persons attending the event.

### **4-101.3 Security Bond**

- A. When a Permit is issued, the Operator shall file with the Town Clerk a surety bond not less than 15 days prior to the event. The bond shall be issued by a reputable surety company qualified to do business in this state and in the amount that the Board of Selectmen shall reasonably determine to ensure the public peace and safety and compensation for damage to public or private property. Cash or negotiable securities or equivalent value may be furnished in lieu of a bond.
- B. The bond shall ensure cleanup by the Operator and or the Landowner of the area used for a Mass Gathering, compliance by the Operator with applicable state and local laws, and payment by the Operator and or the Landowner of all valid claims against the Operator or Landowner for damage to real or personal property in the Town and arising out of acts done or omitted to be done by the Operator or Landowner, their agents, or employees, or by other persons or patrons attending the Mass Gathering.
- C. The bond shall be used to satisfy any valid claims, including payment of penalties for any violations of this Ordinance or permit conditions, and for claims of personal injury or damage to real or personal property caused by the Operator and or the Landowner, their agents or employees, or by persons attending the event and to reimburse expenses incurred as a direct result of the Mass Gathering for which the permit was issued.
- D. Any person, including the Town, having such a claim shall file notice of a claim upon the bond with the applicant or his agent within 90 days after the claim arose and shall bring an action on the bond in the Maine Superior Court (Oxford County) within six months of the act complained of.

#### **4-101.4 Public Costs Escrow**

In addition to the bond, not less than 15 days prior to the Mass Gathering, the Operator shall deposit with the Town Clerk an amount equal to 120 percent of the public costs of the contemplated Mass Gathering, as estimated by the Board of Selectmen. Public costs are those costs incurred by the Town in connection with a Mass Gathering and which would not have been incurred by the Town if the Mass Gathering had not been held. Promptly after the conclusion of the Mass Gathering, the Town shall calculate the public costs and the deposit shall be refunded to the Operator to the extent the deposit exceeds the public costs or, if the public costs exceed the amount deposited, the Operator shall pay the excess to the Town within 15 days of being so notified in writing.

### **Chapter 5**

#### **Permit Standards**

In reviewing an application for a Mass Gathering Permit, the Board of Selectmen shall determine whether the application meets the following criteria:

##### **5-101.1 Tickets**

If tickets are to be sold to the event, the Operator will state the maximum number of tickets that will be available. For the purpose of this Ordinance, a "ticket" includes any receipt or token of eligibility to attend the event. The Mass Gathering area must have sufficient area to allow ten square feet per person. In no event may more tickets be available than the number of persons who can be accommodated at the site of the Mass Gathering. After all tickets are sold, or after the conclusion of the Mass Gathering, whichever occurs first, the Operator must provide the Town Clerk with a sworn statement regarding the number of people who attended the event.

##### **5-101.2 Parking**

- A. The Operator must ensure that there will be adequate on-site and off-street parking areas, including handicapped parking spaces, to accommodate the number of vehicles expected. "Adequate" means that there must be at least one parking space for every four persons attending the Mass Gathering event. Off-site parking areas are permitted if the Operator provides written authorization from the property owner for the use of those sites. The Operator will provide and post signs directing people to parking sites.
- B. When parking occurs on private roads each Landowner's consent must be obtained in writing. There shall be no parking on Town roads.
- C. In addition, residents may, on their own, notify the towing company retained by the Operator to have any vehicle located on their own private property towed at the vehicle owner's expense.

### 5-101.3 Security

A detailed plan describing measures that will be in place to ensure crowd control, event security, and protection of public and private property, including steps that will be taken to prevent trespassers from gaining access to the site via private property adjacent to the Mass Gathering site must be provided. The plan must include an explanation of how and when law enforcement officers or private security officers will be deployed and where they will be located before, during, and after the event. Table 1 below is a base level of professional hired security presence required.

The Law Enforcement Authority (“Oxford County Sheriff’s Department”) will be contacted and permitted to comment on the security plan for each event based on the number of persons reasonably expected to attend and on any other reasonably reliable information regarding security risks, if any, posed by the proposed Mass Gathering. The Law Enforcement Authority shall have the right to increase security requirements based on the nature of events at the Mass Gathering. If deemed necessary in the interest of public safety, the Law Enforcement Authority shall have the authority to require the permittee to allow reasonable inspections by law enforcement personnel to perform compliance checks. Evidence shall be provided, in writing, of the qualifications and credentials of personnel in charge of security. The following table shows the number of security personnel required based on the number of attendees as well as the length of the Mass Gathering.

<b>Table 1 – Security Presence Required</b>					
<b>LENGTH OF MASS GATHERING(Hrs.)</b>					
<b>Attendees</b>	<b>12</b>	<b>24</b>	<b>36</b>	<b>48</b>	<b>72</b>
<b>&lt;1,000</b>	2	2	2	2	2
<b>3,000</b>	3	4	6	6	8
<b>6,000</b>	10	10	14	14	16
<b>10,000</b>	16	16	18	18	20



## 5-101.4 Medical Care

A minimum level of medical personnel shall be on site for persons or patrons in attendance based on Table 2 which is based on the number of attendees as well as the length of the Mass Gathering. All necessary personnel shall be permitted by the State of Maine with at least the minimum licensure level of an Emergency Medical Technician.

**Table 2 – Emergency Medical Services**

One ambulance will be required on the scene at all times. A second ambulance for transporting purposes shall be additionally required for any event of greater than 3,000 people or longer than eight (8) hours.					
<b>LENGTH OF MASS GATHERING(Hrs.)</b>					
<b>Attendees</b>	<b>12</b>	<b>24</b>	<b>36</b>	<b>48</b>	<b>72</b>
<b>&lt;1,000</b>	2	2	2	2	2
<b>3,000</b>	3	4	4	4	4
<b>6,000</b>	6	6	6	6	6
<b>10,000</b>	7	7	7	7	7

Anticipated temperatures greater than 85°F for outdoor events shall necessitate doubling the number of medical personnel required.

Any event having special hazards (i.e. mosh pits, fireworks, etc.) shall require additional personnel at one and a half times the indicated number in Table 2. A First Aid building, tent, or ambulance duly permitted by the State of Maine, shall be available on site during the entire time of the Mass Gathering. Telephone and radio communications shall be provided and kept available for emergency purposes. The Operator of the Mass Gathering shall contact area hospital(s), advise them that a Mass Gathering shall be held, and inform them of the expected attendance of the event. A written acknowledgment from the area hospital(s) shall be submitted as part of the application.

### 5-101.5 Fire Services Protection

Written documentation shall be provided that the Stoneham Fire Chief or Fire Inspector has accepted the Mass Gathering plan(s) as meeting fire protection concerns. If, in his or her judgment, the conditions that exist at the Mass Gathering area constitute an unsafe environment, the Fire Chief shall recommend that the permitting authority deny the issuance of a Mass Gathering permit. All open fires require a permit from the Fire Department.

Table 3 – Fire Protection (below) indicates the minimum number of Fire Protection Personnel and Apparatus to be on site for each person in attendance.

**Table 3 – Fire Protection Services**

At a minimum one fire engine is required for any Mass Gathering unless otherwise specified by the Fire Chief.					
<b>LENGTH OF THE MASS GATHERING(Hrs.)</b>					
<b>Attendees</b>	<b>12</b>	<b>24</b>	<b>36</b>	<b>48</b>	<b>72</b>
<b>1,000</b>	0/*2	0/*2	0/*2	0/*2	0/*2
<b>3,000</b>	0/*2	0/*2	0/*2	0/*2	0/*2
<b>6,000</b>	2/*4	2/*4	2/*4	2/*4	2/*4
<b>10,000</b>	4/*8	4/*8	4/*8	4/*8	4/*8

\* If the use of pyrotechnics and/or open fires will be present

The Regional Forester must be provided an opportunity in writing to assess any forest fire hazard. If conditions warrant, the Regional Forest Ranger shall have the authority to impose a ban on any and all fires during the Mass Gathering.

### 5-101.6 Water Supply.

The applicant must provide an adequate, safe supply of potable water in accordance with the requirements of the State Department of Health and Human Services, Division of Health Engineering. In addition, there must be adequate water to extinguish a fire at the site. The application must detail the source and location of water supplies and must be approved by the Fire Chief.

### 5-101.7 Refuse

- A. There must be at least one 50 gallon refuse container or equivalent for each 100 persons expected to attend. Recycling containers must be available for materials which are accepted by the recycling program.
- B. Refuse must be collected and the receptacles must be emptied or replaced periodically during the Mass Gathering to ensure that the site is free from accumulation of refuse and to minimize odor, infestation of insects or rodents, or any other condition that is a nuisance or inconsistent with standards for health, safety, and welfare for the patrons of the gathering or the public.
- C. The Operator is responsible for removal of any and all refuse, waste receptacles, and sanitation facilities within 24 hours after the Mass Gathering concludes. Staging, tents, equipment, and any other structures that were brought to the site for the purpose of the Mass Gathering clean up must be completed within 5 business days after the Mass Gathering concludes.

### 5-101.8 Communications

There must be landline telephone and radio communications available for emergency purposes.

### **5-101.9 Noise Levels and Patron Decorum**

- A. The Board of Selectmen shall, as a condition of issuing a permit, require the Operator to control sound generated at any Mass Gathering.
- B. The hours of operation for a mass gathering will be determined by the Selectmen to be designed so as to not cause unreasonable disruption to the normal pattern of activities in the neighborhood. Noise shall cease from 9pm to 9am on Sundays through Thursday. Noise shall cease from 12 midnight to 9 am on Friday and Saturday nights unless otherwise specified. The noise level at the perimeter of the area may 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 nearby properties are uninhabited.
- C. If any limits are exceeded during the event, the Code Enforcement Officer or other appointed Town representative, will promptly issue a verbal warning to the Operator. The Operator will be required to take immediate steps to ensure that the sound levels are not exceeded again during the event. Each incident after the initial warning will constitute a separate violation of this Ordinance and the Operator will be required to pay the Town \$1,000.00 for the first violation, \$2,000.00 for the second violation at the same event, and \$5,000.00 for the third and each subsequent violation at the same event.
- D. The Operator may appeal any penalty to the Board of Selectmen by filing a written notice of appeal within 48 hours after the assessment of the penalty. The Board of Selectmen will hear the appeal at its next regularly scheduled meeting and may reduce or rescind the penalties if the Board of Selectmen finds that the Operator made a good faith attempt to avoid violating the limits and despite the Operator's efforts the violation occurred.
- E. No unlawful acts, including but not limited to, nudity, partial nudity, lewd acts, or gambling shall be permitted.

### **5-101.10 Overnight Assembly**

A description of the sleeping area and facilities that will be available for patrons who will be staying at the Mass Gathering site either before or after the conclusion of the event must be provided. Patrons will be permitted to remain overnight at the site of the Mass Gathering only to the extent that adequate facilities and space are available as determined by the CEO under the terms of this ordinance.

### **5-101.11 Traffic Control**

In order to protect the public safety, the Operator must ensure that there will be safe and adequate access for pedestrian and vehicular traffic and for emergency vehicles to enter and exit the site of the Mass Gathering. The Law Enforcement Authority and the Fire Chief shall have the right to review and concur with the adequacy of the Operator's traffic plan. At a minimum, the Operator must submit a detailed plan that contains the following:

- A. A description of the streets or road people attending the event are likely to take to reach the site of the Mass Gathering, plus the entrance and exit points for pedestrians and vehicular traffic.
- B. The type, number, and location of persons who will be present to direct traffic both before and after the event, plus the location of signs which will direct people to the site, including places where people are allowed to park.

## **5-101.12 Protection of Environmental Features**

The Operator must provide information regarding the location of watercourses, wetlands, marshes, surface water, wooded areas, and other natural resources in the area of the Mass Gathering which may be affected by the event. In consultation with the Code Enforcement Officer, the Operator must provide information regarding what steps will be taken to protect any environmentally sensitive areas and to site the event so as to not adversely impact the surrounding environment. Hazardous or poisonous materials, such as insecticides or rodenticides, shall not be used in any way so as to contaminate food or equipment, or otherwise constitute a hazard to the public health or impact brooks, streams, lakes or ponds.

When applicable, the Operator must demonstrate compliance with the environmental restrictions contained in the Town's Land Use Code and Shoreland Zoning Ordinance and any other applicable Town ordinance.

## **5-101.13 Permits**

- A. Any applicant intending to attract the continued attendance of two thousand (2,000) or more persons for twelve (12) or more hours shall provide the Board of Selectmen a copy of the State Permit issued in accordance with Title 22, MRSA Sections 1601-1607, as it may be amended.
- B. The sale and/or consumption of alcoholic beverages shall comply with all State and local permits requirements and laws. The sale of marijuana in any form is prohibited by local ordinance.

## **Chapter 6**

### **Waivers**

#### **6-101 Waivers**

The Board of Selectmen may, at its discretion but only for good cause shown, waive any of the submission requirements in Chapter 3-101.1, the insurance, responsibility for damage and cleanup, security bond and public costs escrow in Chapter 4, or permit standards in Chapter 5 of this Ordinance, if the Board of Selectmen make written findings the information or requirements are unnecessary or irrelevant to the review of the Mass Gathering Permit application and make an affirmative good faith determination that to the best of their knowledge, information and belief, the public health safety and welfare will not be compromised.

## **Chapter 7**

### **Assignability and Expiration**

#### **7-101.1 Assignability**

Permits issued under this Ordinance are not transferable or assignable. No applicant, Landowner or property may receive permits for more than three major Mass Gatherings as defined hereinafter in any 365 day period. No applicant, Landowner or property may receive permits for more than six minor Mass Gatherings as defined hereinafter in any 365 day period. No applicant, Landowner or property may receive permits for more than one major Mass Gathering in any 30 day period. Selectmen may waive frequency and number of events for gatherings that do not produce noise as defined by this ordinance between 7pm and 9am

#### **7-101.2 Expiration**

- A. Permits issued under this Ordinance are valid only during the proposed operating hours of the Mass Gathering.
- B. The Permit is void should the Mass Gathering event be canceled or indefinitely postponed.
- C. If the Mass Gathering event is postponed to a date certain, the Permit may be renewed for the new date so long as otherwise compliant with this Ordinance, and an administrative fee may be assessed per the Fee Schedule.

## **Chapter 8 Appeals**

### **8-101.1 Appeals**

An appeal may be taken by an aggrieved party to the Board of Appeals within seven (7) days from the date of the decision being appealed.

- A. The Board of Appeals shall hold a public hearing on the appeal within fourteen (14) days of its receipt of an appeal request. The Board of Appeals shall hold an appellate hearing, and may reverse the decision of the Board of Selectmen only upon finding that the decision was contrary to specific provisions of this Ordinance or contrary to the facts presented to the Board of Selectmen. The Board of Appeals may only review the record of the proceedings before the Board of Selectmen. The Board Appeals shall not receive or consider any evidence which was not presented to the Board of Selectmen, but the Board of Appeals may receive and consider written or oral arguments. If the Board of Appeals should determine that the record of the Board of Selectmen proceedings are inadequate to support the conclusion it reached, the Board of Appeals may remand the matter to the Board of Selectmen for additional fact finding.

### **8-101.2 Appeal to Superior Court**

Any aggrieved party may appeal to Superior Court in accordance with State laws within thirty (30) days from the date of any decision of the Board of Appeals.

## **Chapter 9 Enforcement, Violation and Penalties**

### **9-101.1 Enforcement**

The Board of Selectmen is responsible for the enforcement of this ordinance.

### **9-101.2 Violation and Penalties**

Except as otherwise provided herein: any person who violates any provision of this Ordinance or any term of a Permit or Permits issued pursuant to this Ordinance shall be subject to a civil penalty payable to the Town of Stoneham in an amount not to exceed \$5,000.00. In the case of a willful violation of this ordinance, a civil penalty not to exceed \$50,000.00 may be imposed. In addition, the Town may seek an injunction where necessary to prevent the applicant from publicizing, promoting, or conducting of the proposed event. The Selectmen will take into consideration the previous performance of the Operator conducting a Mass Gathering in Stoneham or elsewhere and shall have the right to deny that Operator's Mass Gathering application based on his, her or its failure to comply with the standards contained in this ordinance unless persuaded by the Operator that such failure will not recur here.

## Chapter 10

### Definitions

**Law Enforcement Authority:** State recognized law enforcement agency that has jurisdiction in Stoneham during the event. This includes, but is not limited to, Oxford County Sheriff's Department, Maine State Police, and Maine Warden Service.

**Mass Gathering Area:** Any place maintained, operated, or used for a Mass Gathering.

**Major Mass Gathering:** Any gathering, attracting, or intending to attract, a continued audience or congregation of 1,000 or more patrons for 1 hour or more.

**Minor Mass Gathering:** Any gathering, attracting, or intending to attract, a continued audience or congregation of more than 500 patrons but fewer than 1,000 patrons for 1 hour or more.

**Operator:** The person responsible for managing the Mass Gathering event or area or his designee.

**Noise:** Sound amplified or produced by a power source such as fuel or electricity. This includes sound systems and vehicles.

**Patron:** A person or persons attending a Mass Gathering governed by this ordinance.

**Person:** An individual, group of individuals, association, partnership or corporation, firm or company.

Here fore, fail not and have there and then this warrant with your doings thereon.  
Given under our hands at Stoneham, this seventh day of September A.D. 2017.

Neal H Littlefield

Kara H Jones

Roderick R Rovzar

Board of Selectmen  
Town of Stoneham, Maine