

Passed
art. 44
1981

OUTDOOR FESTIVAL ORDINANCE

Section 1, STATEMENT OF PURPOSE:

These regulations endeavor to protect the health and safety of the people of West Gardiner by requiring people who hold outdoor festivals to obtain licenses and to show proof of providing the proper facilities to protect the public's health and safety.

Section 2, EXPLANATION:

Under present state law, any gathering held out-of-doors with the intent to attract the continued attendance of 2,000 or more persons for 12 or more hours must get a permit from the State Department of Human Services. Mr. Datsis of that Department suggested that each town should adopt it's own version of this law as an ordinance, since the state could revert the control to the towns. Also, many such gatherings have evaded state regulation by not being held for 12 or more hours. For this reason, our recommended ordinance reduced the amount to 1,000 people and no time requirement. All other basic requirements are based on the state guidelines as well as portions of an ordinance drawn up for the Town of Chelsea.

Section 3, THEREFORE,

Any person, persons, group, club or organization who shall exhibit, sponsor, hold, promote or operate any pageant, amusement show, theatrical performance, including a music festival or exhibition, which in excess of 1,000 (one thousand) people are reasonably anticipated to attend, and where substantial portions of the entertainers or persons attending will be out-of-doors will first procure from the Selectmen a license at least 30 (thirty) days prior to the event and payment of the sum of \$25.00 (twenty-five dollars) to the town. This ordinance does not apply to the Town of West Gardiner or school sponsored events.

PERMIT APPLICATION:

The applicant shall file with his application adequate proof that he has authority from the landowner to use the property and shall furnish a plan showing the size of the area to be used with designated locations for drinking water, toilet and washing facilities, waste containers, first aid facilities, and off the street parking.

No license shall be granted by the municipal officers unless the applicant satisfies the selectmen that the following facilities will be available for such event in the area to be used.

RULE:

A. Water Supply.

1. Where water is distributed under pressure for drinking, washing, flushing toilets, and showers, the water supply system shall deliver water at normal operating pressures (20 lb. per sq/in minimum) to all fixtures at a rate of at least 30 gallons per person per day.
2. Where water is not available under pressure, and non-water carriage toilets are used, at least 3 gallons per person per day shall be provided for drinking and washing purposes.

B. Refuse Disposal.

1. One fifty (50) gallon refuse container or its equivalent shall be provided for each one hundred (100) persons anticipated.
2. All refuse shall be collected from the mass gathering area at least once each day of the assembly and disposed of in an approved area.
3. The mass gathering area and immediate surrounding properties shall be cleaned of refuse created by the gathering within twenty-four (24) hours following the mass gathering.
4. Area where cars and recreational vehicles are parked shall have rubbish disposal facilities one for every 25 cars or recreational vehicles.

C. Grounds.

1. Assembly area shall be adequately lighted but not unreasonably reflect beyond the assembly area boundaries unless adjacent properties are uninhabited.
2. There shall be at least 20 square feet per person at the site for daytime assemblage and at least 40 square feet per person for overnight assemblage.

D. Roads and Parking Space.

1. Width of service roads shall be at least 12 feet for one traffic lane, 24 feet for two traffic lanes, and 7 feet for parallel parking lane.

2. There will be at least one (1) parking space for every four (4) persons and the density shall not exceed 100 passenger cards or 30 busses per usable acre.

E. Sanitary Facilities.

1. Toilets should be provided at the rate of one (1) for each 150 persons.
2. Urinals and sanistands may be substituted for up to one-third (1/3) of the required number of toilets. Twenty-four inches (24") of trough urinals in a men's room shall be considered the equivalent of one urinal or toilet.
3. Sanitary facilities should be conveniently accessible and well identified.
4. All waste water and sewerage shall be disposed of by means of public sewerage or an approved sewerage disposal system which is constructed and operated in conformance with applicable state and local law, ordinance and regulation.
5. Each toilet shall have a continuous supply of toilet paper.
6. Service buildings or rooms housing necessary plumbing fixtures shall be constructed of easily cleanable, non-absorbent materials.
7. Separate service buildings or rooms containing sanitary facilities, clearly marked, shall be provided for each sex and each toilet room should be provided with a self-closing door to insure privacy or the entrance shall be screened so that the interior is not visible from the outside. There shall be hand-washing facilities available nearby the toilet area.
8. Water points or drinking fountains shall be conveniently accessible and well identified. Common drinking cups shall not be used.

F. Medical Facilities.

1. Emergency medical services shall be provided under the supervision of a licensed paramedic or registered nurse or licensed physician.
2. Emergency first aid vehicles shall be available on site during the complete time of mass gathering.
3. A telephone or other two-way electronic communication facilities shall be available on the presence.
4. Operator of mass gathering shall contact area hospitals and advise them that mass gathering will be held and approximate number of people attending.

G. Safety.

1. A uniformed officer or constable shall be provided to direct traffic to and from public ways with at least one officer for each reasonably expected five hundred (500) persons. The number of security officers may be set by the Board of Selectmen.

H. Noise Control.

1. The sound of the mass gathering shall not carry unreasonable beyond the boundaries of the mass gathering areas.
2. The noise level at the perimeters of the area should not exceed 80 decibels on the A scale of a sound meter meeting specifications on the American National Standards Institute unless the mass gathering area is remotely located and surrounding adjacent properties are uninhabited.

BOND:

Prior to the issuance of the license and the holding of the event, the applicant shall furnish a corporate surety bond from a company authorized to do business in Maine insuring forthwith after the event the grounds will be cleaned of waste, and damages to public or private property in the area arising out of or in connection with are promptly paid. The bond shall be in an amount of up to \$5,000 (five thousand dollars) per 1,000 (one thousand) people reasonable expected in attendance. The amount of the bond will be set at the discretion of the Selectmen of West Gardiner. Any claim against the bond shall be

brought within six (6) months.

PENALTY:

Any person, persons, group, club or organization directly or indirectly exhibiting, promoting, sponsoring, operating or holding such an event as owner, lessor, lessee, landlord, tenant, operator or entertainer and not complying with this ordinance shall be liable to a fine of from \$100 (one hundred dollars) to \$5,000 (five thousand dollars) which shall be set at the discretion of the Selectmen of West Gardiner, and shall be personally responsible for damages to public or private property arising out of or in connection therewith and subject to any civil or injunctive relief that may be reasonable and proper plus court costs.

Each part of this ordinance is severable and if any phrase, clause, sentence, or provision is declared to be contrary to law, the validity of the remainder shall not be affected thereby.

This ordinance shall take effect upon passage.

Given under our hands this 20th day of March, A.D. 1981

Victor A. Goodwin, Sr.
Victor A. Goodwin, Sr.

Donald V. Alexander
Donald V. Alexander

Alfred B. Brann
Alfred B. Brann
Selectmen of West Gardiner

ATTEST:

Milton B. Libby
Milton B. Libby

State of Maine

CONSTABLE'S RETURN

County of Kennebec, ss.

I certify that I have notified the voters of the Town of West Gardiner of the time and place of said meeting by posting an attested copy of the within warrant at; Fullers Market, Caters Market and the Town Hall, the same being conspicuous public places within the Town of West Gardiner on 3/20/81 which is at least 7 days next prior to said meeting.

Dated at West Gardiner this 20th day of March one thousand nine hundred and eighty-one.

Milton B. Libby
Milton B. Libby
Constable of West Gardiner