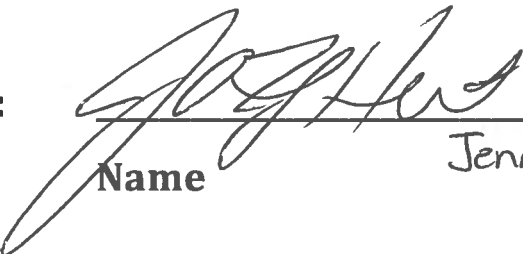


**MASS GATHERING ORDINANCE
FOR THE TOWN OF STARKS**

November 5, 2019

ENACTED: 11/5/2019
Date

EFFECTIVE: 11/5/2019
Date

CERTIFIED BY: 
Name Jennifer A Zweig Hebert
Town Clerk
Title

MASS GATHERING ORDINANCE FOR THE TOWN OF STARKS

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SECTION 1 PURPOSE

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

SECTION 2 AUTHORITY AND ADMINISTRATION

2.1 *Authority, Repeal of Prior Ordinances, and Effective Date*

- 2.2.1 This Ordinance is adopted pursuant to Home Rule Powers as provided for in Article VII-A of the Maine Constitution and Title 30-A M.R.S. Section 4401 *et. seq.*
- 2.2.2 This Ordinance shall be known as the "Mass Gathering Ordinance for the Town of Starks" (herein referred to as the "Ordinance"), adopted and effective by vote of the Town of Starks on November 5, 2019. This Ordinance repeals and replaces the "Mass Gatherings Ordinance for the Town of Starks" or "An Ordinance Regulating Mass Gatherings for the Town of Starks" adopted on June 27, 1995, including any amendments thereto.

2.2 *Administration*

- 2.2.1 The Planning Board of the Town of Starks shall be the review and permitting authority for this Ordinance.
- 2.2.2 The Board of Selectmen, or their designee, shall be the enforcement authority for this Ordinance.

SECTION 3 APPLICABILITY

3.1 *Applicable Mass Gatherings*

- 3.1.1 This Ordinance is applicable to all "Mass Gatherings" as defined herein. A "Mass Gathering" is defined as an actual or anticipated assembly of more than 250 people held for any purpose, including, but not limited to, a meeting, festival, social gathering, entertainment, scheduled event, demonstration or other similar purpose. The Mass Gathering area includes all assembly areas, areas set aside for vendors, for overnight accommodations, and for parking, as well as all areas used primarily or exclusively in the connection with the Mass Gathering. These areas need not be contiguous with the assembly area.
- 3.1.2 Notwithstanding the provisions of 1 M.R.S.A. § 302, this Ordinance is applicable, as of its effective date, and to the maximum extent permitted by law and subject to the severability clause, to all applications that have not been submitted and finally acted on for all Mass Gatherings. This Ordinance shall also apply to all Mass Gatherings proposed, operated, modified, or constructed after the enactment of these provisions.

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3.2 Exemptions

3.2.1 This Ordinance shall not apply to:

- A. Events, meetings, or hearings held or sponsored by the Town of Starks
- B. Local public school sporting events or functions
- C. Any hearing or meeting called, organized, or held by a department or agency of the County, the State of Maine, or the United States

SECTION 4 DEFINITIONS

Terms used in this Ordinance are defined as follows. Any term not defined shall have its common, ordinary meaning.

"Abutter" means any person whose property adjoins or is directly across the street or stream from the land that will be directly affected by the proposal under consideration.

"Applicant" means the person or persons applying for a Mass Gathering permit under this Ordinance.

"Board of Selectmen" means the Town of Starks Board of Selectmen.

"Code Enforcement Officer" means the Town of Starks Code Enforcement Officer.

"DHHS" means the State of Maine Department of Health and Human Services.

"Not-for-Profit Organization" means a religious, charitable or benevolent association or organization, which is registered with the State of Maine and the Internal Revenue Service, and holds a valid tax-exempt certificate.

"Operator" means a person who holds, stages, sponsors or promotes a Mass Gathering. In this definition "person" may also mean a corporation or other business entity.

"Mass Gathering" means an actual or anticipated assembly of more than 250 people held for any purpose, including, but not limited to, a meeting, festival, social gathering, entertainment, scheduled event, demonstration or other similar purpose. The Mass Gathering area includes all assembly areas, areas set aside for vendors, for overnight accommodations, and for parking, as well as all areas used primarily or exclusively in the connection with the Mass Gathering. These areas need not be contiguous with the assembly area.

"Planning Board" means the Town of Starks Planning Board.

"Public Costs" means those actual costs incurred by the Town solely in connection with the Mass Gathering, which relates to any adverse consequences or need for Town services due to the Mass Gathering, and which would not have been incurred by the Town if such Mass Gathering were not held. Such costs shall include, but not be limited to, personnel costs, road signs, damage to Town roads or ditches, waste disposal and clean-up, or any other adverse consequences to any public facilities, such as the municipal water supply or municipal buildings. Public Costs shall also include the cost of hiring police personnel (including County Sheriff deputies) and equipment to provide for the safety and security of the Town and its residents, and for enforcing the conditions of this Ordinance.

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"Public Water System" means as it is defined in the *State of Maine Rules Relating to Drinking Water 10-144 Code of Maine Regulations Chapter 231*. Examples of public water systems in Starks include the Starks Water District, Camp at the Eastward, and the Community Center.

"Refuse" means all combustible or non-combustible putrescible or non-putrescible solid or liquid waste.

"Sanitary Facilities" means toilets, vault privies, lavatories, urinals, drinking fountains, and service buildings or rooms provided for installation and use of these units.

"Ticket" means any receipt, stamp, or token of eligibility to attend the Mass Gathering whether or not a piece of paper or other physical or electronic evidence of payment is issued to the patron.

"Town" means Town of Starks.

"Water District" means the Town of Starks Water District.

SECTION 5 PERMIT REQUIRED, FEES AND PERMITTING PROCEDURES

5.1 Permit Required

- 5.1.1 No person, corporation, partnership, association, or entity of any kind shall operate a Mass Gathering without first obtaining a permit from the Planning Board.
- 5.1.2 The Applicant, or a representative, shall present the application to the Planning Board and to the public at a public hearing. Failure to attend may result in a delay of the Planning Board's review.
- 5.1.3 For each event planned in a multi-event proposal, multiple applications may be filed at the same time, but each request shall require a separate application, a separate filing fee, and a separate permit approval from the Planning Board for each event planned.
- 5.1.4 No more than one permit under this Ordinance shall be issued to any single Operator or group, or for any specific site, within any 30-day period, for an event for which more than 250 persons are reasonably expected to attend.
- 5.1.5 Permits issued under this Ordinance are not transferable or assignable to another Operator, without prior approval of the Planning Board.

5.2 Fees

- 5.2.1 Application fees shall be paid to the "Town of Starks" and must be provided for an application to be considered complete for review purposes. All application fees are nonrefundable. The application fee shall be \$100, unless otherwise specified through the *Town of Starks Fee Schedule for Land Use Ordinances*, which takes precedence.
- 5.2.2 In addition to the application fee, the Applicant shall also pay such other costs as advertising, public hearings, abutter notices, and technical and professional costs to review the application on behalf of the Planning Board, as deemed necessary by the Planning Board. In addition, the Applicant/Operator shall be responsible for other Public Costs. The Planning Board may require a deposit to cover these Public Costs. (See Section 4 Definitions (Public Costs), and Section 7.12.2,B Deposit for Public Costs)

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5.2.3 The application fee may be waived at the discretion of the Planning Board if said fee is for a not-for-profit organization.

5.3 Permitting Procedures

5.3.1 Pre-application Conference.

- A. Prior to submitting a formal application the Applicant should request a pre-application conference with the Planning Board at least 90 days prior to the planned date of the Mass Gathering.
- B. The Applicant should be prepared to discuss, at a minimum, the following:
 1. The nature of the Mass Gathering, such as the type of activities, anticipated attendance, the timeframe, the location, the availability of alcohol or marijuana, plans for public safety, and any other information that the Planning Board can use to estimate the amount of the deposit to cover Public Costs
 2. Any questions about the requirements of the Mass Gathering Ordinance
 3. Any requests for waivers from the submission requirements
- C. The Applicant should also be prepared to discuss a deposit to cover Public Costs for the proposed Mass Gathering. At or within 10 days of the pre-application conference, the Planning Board will compile a list of potential Public Costs for the proposed Mass Gathering, and provide to the Applicant an estimate for the required deposit. The estimated deposit shall not be over the potential costs by more than 10%. (See Section 4 Definitions and Section 7.12.2,B Deposit for Public Costs). The Planning Board will make a final determination of the required deposit when reviewing the formal application for completeness (Sections 5.3.2 and 5.3.3).
- D. The pre-application conference review shall not cause the proposed Mass Gathering to be a pending application or proceeding under Title 1 M.R.S. §302.

5.3.2 A formal application for a permit to hold a Mass Gathering shall be filed with the Planning Board not less than 45 days before the date of the Mass Gathering.

5.3.3 After the Planning Board determines the application is complete, the Board:

- A. Shall post a notice that the application is available for public review at the Town Office
- B. Shall notify the Board of Selectmen, Code Enforcement Officer, Fire Chief, and any other government officials, as appropriate
- C. May hold an on-site inspection to review existing conditions, field verify submissions and investigate the Mass Gathering proposal

5.3.4 Within 14 days of the Planning Board's determination that the application is complete, the Planning Board shall hold a public hearing to consider the issuance of the permit.

5.3.5 Public notice shall be made at least 7 days prior to the date of the public hearing. Failure to provide adequate notice may result in postponement of the hearing. The Planning Board shall

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specify to the Applicant the public notice requirements for the public hearing that will be the Applicant's responsibility. Public hearing notice shall include:

- A. Notification of all landowners, including operators of public water systems, within 1,500 feet of the property boundaries of the Mass Gathering site as shown on the Assessor's records by certified mail (return receipt required). Failure on the part of any abutter or public water system operator to receive such notice shall not be grounds for delay of any consideration of the application nor denial of the project.
 - B. Public notice posted at the Starks Community Center, the Starks Fire Barn and the Starks Food Cupboard, and on the Town's website
 - C. Public notice published in a newspaper having general circulation in the Town of Starks
 - D. All public notices shall contain the Applicant's name, the date and location of the Mass Gathering, number of expected attendees, and a general description of the Mass Gathering, as well as the date and location of the public hearing.
- 5.3.6 The Planning Board may waive the requirement for a public hearing, unless the Applicant requests a public hearing.
- 5.3.7 Within 14 days of the conclusion of the public hearing the Planning Board will make a decision on the permit. This timeline can be extended by mutual agreement of the Applicant and Planning Board. If the permit is granted, all assurances made and obligations assumed by the Applicant/Operator of the Mass Gathering shall be conditions of the permit. If the permit is denied, the Planning Board shall provide written reasons for the denial within 10 days of the decision.

SECTION 6 APPLICATION REQUIREMENTS

6.1 Complete Application Required

- 6.1.1 The Applicant shall submit 8 copies of all application materials to the chairperson of the Planning Board at least 7 days prior to the meeting where the application is to be considered by the Planning Board.
- 6.1.2 The burden is on the Applicant to provide written evidence in the application that the proposed Mass Gathering will satisfy the requirements of this Ordinance, particularly Section 7 Review Criteria and Standards. Section 6.1.3 below contains the minimum submission requirements, which means additional written submissions may be necessary to demonstrate compliance.
- 6.1.3 A complete application must contain, at a minimum, the following:
 - A. A completed Mass Gathering Application Form, the Application Fee and deposit for Public Costs
 - B. The name(s) and contact information for the Applicant, Operator, and landowner
 - C. Proof of authorization to use the property or properties

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- D. A description of the Mass Gathering - name of the event, maximum attendance, date(s) and timeframe, activities, overnight accommodations, availability of food, alcohol, and recreational marijuana, etc.
- E. Descriptions about how each of the review criteria and standards in Section 7 Review Criteria and Standards will be met.
- F. Attachments that provide evidence that all required permit approvals (federal, state and local) have or will be obtained, that town and other officials have been consulted and their concerns addressed, of adequate liability insurance and that vendors have agreed to provide the necessary services
- G. Maps:
 - 1. Location Map - displaying the location of the Mass Gathering within the Town and the routes that attendees are most likely to take. (Copy of Maine Gazetteer map, USGS Topographic map may be used)
 - 2. Site map(s) of the Mass Gathering area (Property tax maps, Maine Gazetteer maps, USGS Topographic maps, professionally created or hand-drawn maps may be used) at scales that clearly depict the required information, generally at a scale of no more than 100 feet to the inch with the following:
 - a. The name of the Mass Gathering, and the name of the Mass Gathering and the Applicant/Operator, and the application date
 - b. The boundaries of the Mass Gathering area(s) and the parcel(s) with property tax map and lot number(s), acreages of parcels, north arrow, date, and map scale
 - c. Identification of all adjacent properties and property owners
 - d. All public roads to be used to access the Mass Gathering and the locations of the entrance(s) and exits(s) to the site for vehicles and pedestrians
 - e. The location(s) where traffic control and security personnel will be stationed (entrance(s)/exit(s) and internally
 - f. The location and type of any containment structures/measures to prevent trespass or unauthorized activities
 - g. The location and size of the assemblage area(s), including the location and size of any stages, tents or other structures
 - h. The location and size of overnight accommodation areas, and number of accommodations
 - i. The location of the food service and vendor area(s)
 - j. The location and width of internal roads and pedestrian ways
 - k. The location and size of parking areas and number of parking spaces
 - l. Emergency access routes
 - m. The location of medical/first aid facilities
 - n. The location of fire-related activities – camp fires, fireworks, etc.
 - o. The location, type, and number of water supplies

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- p. The location, type, and number of toilets, lavatories and bathing facilities
 - q. The location, type, size, and number of refuse disposal facilities
 - r. The location and type of amplified and other loud/potentially nuisance sounds
 - s. The location and type of major light sources that may illuminate areas beyond the boundaries of the Mass Gathering
- H. Any additional information that will provide evidence that the Mass Gathering will comply with the requirements of this Ordinance.

6.2 Waivers

- 6.2.1 The Planning Board may waive certain submission requirements when they are not applicable or necessary provided the public health, safety, and welfare are protected, and provided the waivers do not have the effect of nullifying the intent and purposes of this Ordinance.
- 6.2.2 The Planning Board shall make a written record of waivers granted and the reasons for granting them to be made a part of the decision.

SECTION 7 REVIEW CRITERIA AND STANDARDS

Section 7.1 Review Procedure

- 7.1.1 The Planning Board shall use the following review criteria and standards in reviewing an application for a Mass Gathering permit. These review criteria and standards shall serve as minimum requirements for approval. The Planning Board may impose additional requirements upon making written findings that the additional requirements are consistent with this Ordinance and are necessary to promote the public health, safety and welfare.
- 7.1.2 The Planning Board shall approve an application unless it determines the Applicant has failed to meet one or more of the review criterion. In all instances, the burden of proof shall be on the Applicant to produce evidence sufficient to warrant a finding by the Planning Board that all applicable criteria and standards have been met.

Section 7.2 Public Safety

- 7.2.1 Review Criterion: The Mass Gathering will have adequate public safety/law enforcement personnel available to ensure public safety both within and in the vicinity of the Mass Gathering.
- 7.2.2 Standards:
- A. The Operator shall provide sufficient public safety personnel on and about the premises of the Mass Gathering area to provide for the safety and security of attendees during the entirety of the event.
 - B. The Planning Board may require no more than one law enforcement personnel who has met the training requirements of Title 25 M.R.S. Chapter 341, and approved by the Planning Board, to be available to the Town, the Mass Gathering Operator, and the public for the duration of the Mass Gathering, or any portion of the Mass Gathering. This requirement shall be based on the number of expected attendees and nature of the Mass Gathering,

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including, but not limited to, the potential for traffic congestion, the need for crowd control, health and sanitation issues, noise and other nuisances, compliance with alcohol and drug laws, and the protection of public and private property.

- C. The Maine State Police and the Somerset County Sheriff's Office shall be notified about the Mass Gathering.

Section 7.3 Capacity and Containment

7.3.1 Review Criterion: The Mass Gathering will have adequate capacity and containment.

7.3.2 Standards:

- A. The Mass Gathering site shall be adequately sized to prevent overcrowding and overburdening of the site and facilities, and shall be adequately contained to prevent unauthorized activities and damage to abutting properties.
- B. There shall be provisions for preventing people in excess of the maximum permitted number from gaining access to the Mass Gathering, such as, but not limited to:
 - 1. Identification (e.g., bracelet) of those ticket holders and staff
 - 2. Signage stating that persons not holding valid tickets or without authorization shall not be permitted to remain on the Mass Gathering property under the Operator's control
 - 3. Clearly delineated entrance(s) and boundaries of the Mass Gathering area with safety personnel to monitor trespass and unauthorized activity on adjacent property
 - 4. A means to publicize the fact that the event has been sold out or cancelled, and that no additional people may attend

Section 7.4 Access, Roads and Parking

7.4.1 Review Criterion: The Mass Gathering will have adequate access to and from the Mass Gathering site, and an adequate internal traffic and pedestrian system.

7.4.2 Standards:

- A. The public roads that attendees are most likely to take should have adequate capacity to safely accommodate the additional traffic generated by the Mass Gathering. Parking along public roads is prohibited.
- B. Vehicle and pedestrian circulation, including parking and emergency access will be safe and convenient.
- C. There shall be signage and trained traffic control personnel stationed at entrances and exits and on-site at strategic locations for the duration of the Mass Gathering
- D. Internal roads, parking areas, pedestrian ways, loading/unloading areas and emergency access shall be designed to be safe and convenient.
- E. Guidelines:
 - 1. Service roads should be at least 12 feet wide for one traffic lane, 24 feet for two traffic lanes, and 7 feet for parallel parking lanes.

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2. There should be at least one parking space for every 4 persons and the density shall not exceed 100 passenger cars or 30 buses per usable acre.

Section 7.5 Medical

7.5.1 Review Criterion: The Mass Gathering will have adequate medical services and facilities.

7.5.2 Standards:

- A. Emergency medical services and facilities shall be on-site for the duration of the Mass Gathering to include, at a minimum, the following:
 1. Personnel qualified and up-to-date in CPR and First Aid (CPR and First Aid cards required)
 2. A first aid building, tent, rescue, or licensed ambulance
 3. Two-way electronic communication devices for emergencies
- B. The Planning Board may require an intermediate level emergency medical technician, a licensed physician, physician assistant or a registered nurse if the Mass Gathering entails high-risk activities.
- C. There shall be notification and coordination with the manager of the Anson, Madison, and Starks Ambulance Service.
- E. Area hospital(s) will be informed about the Mass Gathering, including expected attendance.

Section 7.6 Fire Protection

7.6.1 Review Criterion: The Mass Gathering will have adequate fire prevention and protection.

7.6.2 Standards:

- A. Fire prevention and protection shall include consideration for emergency access, water supply, the availability of fire prevention and suppression equipment and personnel, the containment and location of any camp or other open fires or fireworks, and a communications protocol for notifying the Starks Fire Department.
- B. Approval from the Starks Fire Chief to affirm the adequacy of the fire prevention and protection plan is required. In addition, the Fire Chief shall be authorized to make compliance inspections and to engage the services of the Regional Forest Ranger.
- C. All required fire permits shall be obtained and complied with, including any ban on fires.
- D. Fireworks and electrical equipment shall comply with all state and local laws.

Section 7.7 Water Supply

7.7.1 Review Criterion: The Mass Gathering will have adequate water supplies and facilities.

7.7.2 Standards:

- A. Drinking water shall be safe, sufficient, and conveniently located. The supply source shall be adequately treated and protected from pollution.

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- B. If applicable, transported water shall be obtained from an approved source, and stored and dispensed in an approved manner, which means in compliance with standards adopted by the Division of Human Services, Division of Health Engineering.
- C. If the Town of Starks Water District is to be utilized as a water source, approval from the District to affirm there is capacity to provide the necessary quantity of water without adversely affecting the supply to their normal customers shall be required.
- D. Guidelines:
 - 1. Water points or drinking fountains should be provided at a rate of one per 100 persons and shall be conveniently accessible, well identified and well maintained.
 - 2. Where water is distributed under pressure and flush toilets are used, the water system should deliver water at normal operating pressure of 20 lbs. per square inch minimum to all fixtures at the rate of at least 30 gallons per person per day.
 - 3. Where water under pressure is not available, and non-water toilets are used, at least 3 gallons of water per person per day should be provided for drinking and lavatory purposes.

Section 7.8 Sanitary Facilities

7.8.1 Review Criterion: The Mass Gathering will have adequate sanitary facilities.

7.8.2 Standards:

- A. Sanitary facilities such as, but not limited to, toilets, vault privies, urinals, lavatories, and service buildings or rooms shall be conveniently accessible, well maintained, and easily identified by the public.
- B. Toilets shall have a continuous supply of toilet paper, and each toilet room shall be provided with a self-closing door to ensure privacy, and the entrance shall be screened so that the interior is not visible from the outside.
- C. Toilets shall be provided at a minimum rate of one per 150 persons.
- D. Guidelines:
 - 1. Toilets should be provided at a minimum rate of one for each 50 persons.
 - 2. See Section 7.7.2, 4, b and c.

Section 7.9 Refuse Disposal

7.9.1 Review criterion: The Mass Gathering will have adequate refuse collection, storage and disposal.

7.9.2 Standards:

- A. The number, type, size, location, and method and timing of removal must be adequate to ensure the public health and safety.
- B. Refuse must be disposed of at a licensed disposal facility.

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- C. Refuse containers shall be readily accessible throughout the Mass Gathering area, including camping and parking areas.
- D. All refuse shall be collected from the Mass Gathering area at least once every day of the Mass Gathering and disposed of in an approved area.
- E. Measures shall be taken to prevent odor, insect, rodent, and other nuisance conditions.
- F. The Mass Gathering area shall be cleaned of refuse within 24 hours following the Mass Gathering, including clean-up of refuse on surrounding properties that was the result of the Mass Gathering.
- G. There shall be at least one 50 gallon refuse container or its equivalent provided for each 100 persons anticipated.
- H. Guidelines:
 - 1. There should be at least one 50 gallon refuse container or its equivalent provided for each 50 persons anticipated.
 - 2. Areas where cars and recreational vehicles (RVs) or buses are parked should have rubbish disposal facilities at the rate of one for every 25 cars, RVs or buses.

Section 7.10 Noise and Lighting

7.10.1 Review criterion: The Mass Gathering will not create unreasonable noise or lighting impacts, and lighting for public safety will be adequate.

7.10.2 Standards:

- A. The noise level at the perimeters of the Mass Gathering area shall not exceed 70 decibels on the A scale of a sound level meter meeting specifications of the American National Standards Institute.
- B. All amplified music and any unusually loud or otherwise nuisance sounds shall cease by midnight Fridays and Saturdays, and by 10 p.m. on all other days of the week. All amplified music and any unusually loud or otherwise nuisance sounds shall not resume any earlier than 8 a.m. for all days of the week.
- C. Lighting shall be adequate to provide for public safety, but all lighting that is not necessary for public safety shall not unreasonably reflect beyond the Mass Gathering boundaries between the hours of midnight and 8 a.m. on Fridays and Saturdays, and between the hours of 10 p.m. and 8 a.m. all days of the week.
- D. The Planning Board may require additional measures to control noise and lighting impacts to adjacent properties, such as location and buffering of the noise sources.

Section 7.11 Complaint Protocol

7.11.1 Review Criterion: The Operator of the Mass Gathering will have an adequate protocol for responding to complaints.

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7.11.2 Standards: The complaint protocol should include:

- A. A process for the public and town officials to report complaints to the Operator of the Mass Gathering in a timely manner
- B. A plan for addressing complaints, including a process for informing the Town officials, public safety personnel and law enforcement officers of complaints, as necessary

Section 7.12 Liability Insurance and Deposit for Public Costs

7.12.1 Review Criterion: The Operator's liability insurance and financial assurances to cover any negative impacts to the public, the Town of Starks, and Starks Water District will be adequate.

7.12.2 Standards:

- A. Liability Insurance. At the time of submittal of the completed application, the Applicant shall furnish to the Planning Board a certificate of insurance issued by an insurance company or bonding company licensed to do business in the State of Maine, providing liability coverage in the amount of not less than \$500,000.00 to insure against the cost of injury or death of persons in connection with the Mass Gathering. Such policy shall also provide coverage for property damage in the amount of no less than \$250,000.00. The insurance policy shall provide that at least 10 days' written notice be given to the chairperson of the Planning Board prior to cancellation of the insurance. If such cancellation occurs prior to the event, the permit issued by the Planning Board shall be void.
- B. Deposit for Public Costs. At the time of submittal of the completed application, the Applicant shall furnish to the Planning Board a deposit for Public Costs (See Section 4 Definitions). The Planning Board will determine the amount of the deposit based on the characteristics of the proposed Mass Gathering, such as the activities, anticipated attendance, the timeframe, the location, availability of alcohol or marijuana, and any other factors that have the potential for resulting in adverse impacts associated with the Mass Gathering. The deposit shall not be over the estimated Public Costs by more than ten percent. Within 30 days after the Mass Gathering, the actual Public Costs shall be calculated and an accounting provided to the Operator, and the deposit shall be refunded to the Operator less the actual Public Costs incurred hereunder. If the actual Public Costs exceed the amount deposited, the Operator shall pay the excess to the Town within 10 days after being so notified.

Section 7.13 Federal, State and other Town of Starks Laws and Regulations

7.13.1 Review Criterion: The Applicant has provided evidence that applicable state, federal and local laws and regulations will be satisfied.

7.13.2 Standard: Submission of copies of permit approvals, and/or a list of pending approvals. Pending approvals can be conditions of a permit approval under this Ordinance.

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SECTION 8 COMPLIANCE AND ENFORCEMENT

8.1 Inspection

The Operator of any Mass Gathering shall have all facilities in place and subject to inspection by the Planning Board or their designee a minimum of 24 hours prior to the scheduled commencement of the Mass Gathering.

8.2 Enforcement

8.2.1 The Board of Selectmen or their designated agent shall enforce this Ordinance.

8.2.2 The Board of Selectmen or their designee shall revoke the permit at any time prior to the date of the scheduled event if the Operator has failed to comply with any of the commitments made in the application, or the requirements of this Ordinance, or if the Operator has failed to secure any other license or permit required by the Town of Starks or any government agency in order to hold the Mass Gathering on the proposed site.

8.2.3 Except in cases of an emergency, the Board of Selectmen or their designee shall revoke a permit only after giving notice to the Operator of the reasons for the proposed revocation and providing an opportunity to be heard with respect thereto. Written notice of the reasons for the revocation shall be delivered to the Operator or their agent, personally or by expedited mail service.

8.2.4 Any person who violates any provision of this Ordinance or any condition of a permit issued pursuant to this Ordinance shall be subject to the enforcement provisions of Title 30-A, section 4452 including, but not limited to, injunctive relief, civil penalties, attorney's fees and costs.

SECTION 9 APPEALS

9.1 Any person aggrieved by a decision of the Planning Board under this Ordinance may appeal the decision to the Starks Board of Appeals as an administrative appeal under the Town of Starks Appeals Board Ordinance. Written notice of the appeal shall be filed within 30 days of the date of the Planning Board's written decision being appealed. The notice of appeal shall clearly state the reasons for the appeal.

9.2 The review by the Board of Appeals shall be based exclusively on the written record of the decision, and the Board of Appeals shall reverse the decision only if it makes a positive finding that the decision was clearly contrary to the requirements or standards of this Ordinance. If the Board of Appeals finds the written record is insufficient to support adjudication of the appeal, it shall remand the decision to the Planning Board for clarification.

SECTION 10 SEVERABILITY

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 unless the application of any remaining portion of the Ordinance would result in action being taken which is inconsistent with the objective of this Ordinance.

Mass Gathering Ordinance for the Town of Starks (11/5/2019)

SECTION 11 AMENDMENTS

This Ordinance may be amended by a majority vote at the Town Meeting. Amendments may be initiated by a majority vote of the Planning Board or by request of the Board of Selectmen to the Planning Board or on petition of 10% of the votes cast in the last gubernatorial election of the Town. The Planning Board shall conduct a public hearing on any proposed amendment.

