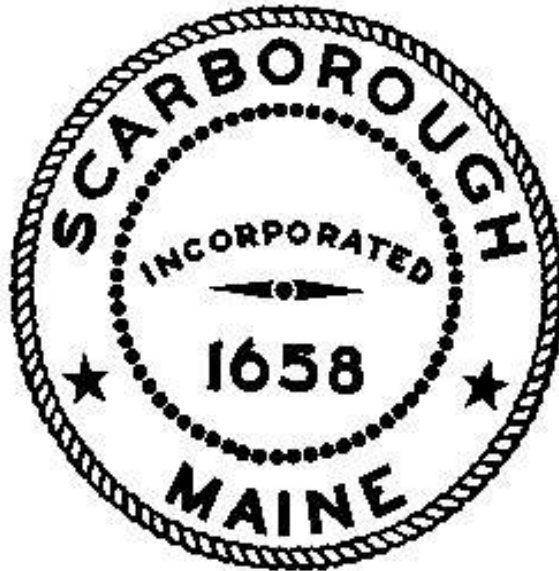


CHAPTER 602

TOWN OF SCARBOROUGH

PUBLIC ASSEMBLY ORDINANCE



Reference, Council Book 8 - August 3, 1988
Amended November 1, 2017

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**CHAPTER 602
PUBLIC ASSEMBLY ORDINANCE FOR
THE TOWN OF SCARBOROUGH, MAINE**

SECTION 15-60-100. AUTHORITY.

This Ordinance is adopted pursuant to Home Rule Powers as provided for in Article VIII, Part Second of the Constitution of the State of Maine and 30-A M.R.S.A. §4101.

SECTION 15-60-110. PURPOSE.

The purposes of this Ordinance include:

- (1) Protection of the public health, safety and welfare by insuring that adequate police protection is provided in places where large numbers of people are assembled.
- (2) Reimbursement from owners of places of public assembly of the costs of providing police protection, so that the operation of places which create a unique and specific demand for police protection does not create an unreasonable financial burden on the residents of the Town of Scarborough.

SECTION 15-60-120. DEFINITIONS.

(1) Chief of Police

Means the Chief of the Scarborough Police Department or her/his designated agent.

(2) Place of public assembly

Means a building, structure, room or interior or exterior space which is used for the gathering or assemblage of 100 or more persons for any purpose including, without limitation, recreational, educational, political, social or amusement purposes, or for the consumption of food or drink, and includes any connected room or space which has a common entrance.

(3) Owner

Means the owner, lessee, licensee or occupant in control of the place of public assembly, or any other person who operates the place of public assembly.

SECTION 15-60-130. POLICE PROTECTION PLAN REQUIRED.

(1) Standard Operating Plan.

No person shall operate a place of public assembly within the Town of Scarborough without adopting and implementing a standard operating plan approved by the Chief of Police to provide police protection during the normal operating hours of the place of public assembly. Such plan may include use of Town of Scarborough police officers, private security personnel or employees of the place of public assembly, in such numbers

as the Chief of Police considers necessary for the protection of the public. Where Town of Scarborough police officers are used, the Chief of Police shall designate the officers to be assigned. The Chief of Police may also determine that, because of the circumstances of a particular place of public assembly, the availability of the Scarborough Police Department to respond to calls for assistance shall constitute the approved standard operating plan. In approving a standard operating plan, the Chief of Police shall consider both the public safety and the reasonable costs to the owner.

(2) Special Events Plan.

Any owner of a place of public assembly for which a standard operating plan has been approved pursuant to Section 15-60-130(1) but who proposes a special event or activity which is likely to result in substantially greater attendance than is contemplated in the standard operating plan and any person who does not ordinarily operate a place of public assembly but who proposes a special event or activity which will cause his premises to become a place of public assembly on a temporary basis, must adopt and implement a special events plan approved by the Chief of Police. The Chief of Police shall approve a special events plan under the same terms and conditions as apply to standard operating plans pursuant to Section 15-60-130(1).

(3) Revised Plan.

If at any time the Chief of Police determines that public safety problems have occurred or can reasonably be anticipated to occur at a place of public assembly with a previously approved plan under Section 15-60-130(1) or Section 15-60-130(2), the Chief of Police may require the owner to adopt and implement a revised plan for police protection, providing for such additional protection as the Chief of Police deems necessary to deal with the public safety problems experienced or anticipated.

SECTION 15-60-140. COST REIMBURSEMENT.

Where police officers of the Town of Scarborough are used in implementation of a police protection plan pursuant to Section 15-60-130 of this Ordinance, the owner of the place of public assembly shall, within 30 days of receipt of a bill therefor, reimburse the Town of Scarborough for the wages paid to such police officers in implementing such plan for such owner. Bills not paid within 30 days shall incur late charges calculated at the rate of 18% per annum.

SECTION 15-60-150. VIOLATIONS.

(1) It shall be a violation of this Ordinance for any owner of a place of public assembly to operate a place of public assembly without adopting and implementing a police protection plan as required by Section 15-60-130 of this Ordinance.

(2) It shall be a violation of this Ordinance for any owner of a place of public assembly to fail to comply with the requirements or conditions of a police protection plan approved pursuant to Section 15-60-130 of this Ordinance.

(3) It shall be a violation of this Ordinance for any owner of a place of public assembly to fail to make payments required under Section 15-60-140 of this Ordinance.

SECTION 15-60-160. PENALTIES.

(1) Any person who violates any provision of this Ordinance commits a civil violation, punishable by a fine of \$100. Each day a violation continues shall constitute a separate violation.

(2) In addition to fines under Section 15-60-160(1), the Town may by civil action collect all amounts due to the Town under Section 15-60-140 of this Ordinance.

(3) The Town may enjoin any violations or threatened violations of this Ordinance which constitute a threat to the public safety.

SECTION 15.60-170. ENFORCEMENT.

This Ordinance may be enforced by any police officer of the Town of Scarborough.

SECTION 15-60-180. EFFECTIVE DATE AND TRANSITION.

This Ordinance shall take effect on August 4, 1988. All places of public assembly within the Town of Scarborough must adopt and implement an approved police protection plan pursuant to Section 15-60-130 of this Ordinance no later than September 4, 1988 at which time the provisions of this Ordinance shall repeal and replace the former ordinance entitled "Public Assemblage Ordinance."