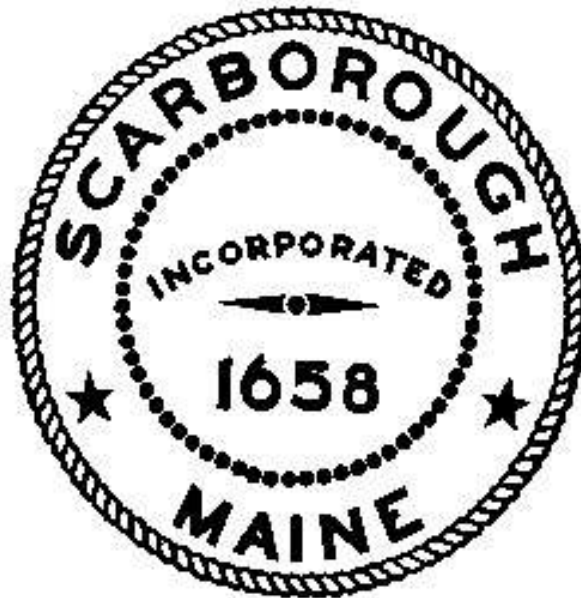


**CHAPTER 602A  
TOWN OF SCARBOROUGH  
MASS GATHERING ORDINANCE**



**ADOPTED APRIL 20, 1994  
Amended September 6, 1995  
Amended June 6, 2012  
Amended November 1, 2017**

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**CHAPTER 602A  
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**ARTICLE I - TITLE, AUTHORITY, AND PURPOSE**

**Section 101. Title.**

This Ordinance shall be known as and may be cited as the Mass Gathering Ordinance of the Town of Scarborough, Maine.

**Section 102. Authority.**

This Ordinance is enacted pursuant to the authority granted in Title 22, Section 1601, et seq., and the home rule power conferred by Article VIII, part Second of the Maine Constitution and Title 30-A, Sections 2101, 2109, and 3001.

**Section 103. Purpose.**

It is recognized that a mass gathering attended by 1,000 or more persons, whatever its duration, may create a hazard to public health and safety. Accordingly, it is deemed necessary in the interests of public welfare to regulate the conduct of such gatherings in order to protect the public health and safety.

**ARTICLE II - DEFINITIONS**

Any term not specifically defined herein shall be given its customary and ordinary meaning. For the purpose of this Ordinance, the following terms shall be defined as hereinafter set forth:

**Section 201.1. Council.**

“Council” means the Scarborough Town Council and its authorized representatives.

**Section 201.2. Mass Gathering Area.**

“Mass gathering area” means any place maintained, operated, or used for a mass gathering or assemblage, except where the mass gathering is to occur within an established permanent stadium, arena, auditorium or other similar permanent building that is fully enclosed by a roof, walls and floor and has sufficient existing permanent sanitary facilities and parking to handle the expected number of persons.

**Section 201.3. Mass Gathering.**

“Mass gathering” means a group of 1,000 or more persons assembled together for a meeting, festival, social gathering, entertainment, scheduled event or other similar purpose.

**Section 201.4. Operator.**

“Operator” means the person responsible for the managing of the mass gathering area. In the event that no Operator exists, the owner or, in the event of her/his non-availability, the lessee of the ground encompassing the group gathering area, shall be deemed to be the Operator under those regulations.

**Section 201.5. Person.**

“Person” means an individual, group of individuals, association, partnership or corporation, firm or company, but shall not include the Town of Scarborough.

**Section 201.6. Refuse.**

“Refuse” means all combustible or non-combustible putrescible or non-putrescible solid or liquid wastes.

**Section 201.7. Sanitary Facilities.**

“Sanitary facilities” means toilet, privies, lavatories, urinals, drinking fountains, and any service building or room provided for installation and use of these units.

**Section 201.8. Nuisance.**

“Nuisance” means and includes the following:

- (a) Any public nuisance known at common law or in equity jurisprudence;
- (b) An attractive nuisance known at common law or in equity jurisprudence;
- (c) Any condition which violates federal, state or local health or environmental laws or regulations.

**ARTICLE III - PERMIT REQUIRED**

**Section 301. Prohibitions.**

No person shall sponsor, promote, sell tickets to, permit on her/his property, or otherwise conduct, a mass gathering which may, will or is intended to attract a continued attendance at such gathering of 1,000 or more persons until a permit therefor has been obtained from the Town Council.

**Section 302. Issuance.**

The Town Council shall issue a permit for a mass gathering only if it finds the standards in this Ordinance are met. When considering the issuance of a permit, the Town Council may seek advice from the Police Chief, Fire Chief, Code Enforcement Officer, Health Officer, and such other officials or persons as it deems appropriate, and shall seek from them relevant information, including but not limited to any safety problems that arose at any mass gathering within the previous two years (a) held at the same mass gathering area or (b) managed or promoted by the applicant or a related entity. The Town Council shall deny a permit for a mass gathering if it finds that any of the standards set forth in Section 304 of this Ordinance are or would not be met by the proposed mass gathering.

**Section 303. Permit Procedures.**

**Section 303.1. Application.**

An application to hold mass gathering event shall be submitted to the Town Clerk at least sixty (60) days prior to the outdoor gathering contemplated. The application shall identify (a) the Operator; (b) the mass gathering area; (c) the maximum number of patrons anticipated or tickets to be sold for the anticipated gathering; (d) the range of dates and time of day being considered for the anticipated mass gathering; multiple consecutive day events will be considered one event; (e) information pertaining to previous mass

gatherings in the same mass gathering area or sponsored by the Operator or a related entity at other locations, within the previous two years, including but not limited to safety problems or violations of this Ordinance or other ordinances or regulations occurring at such previous gatherings and how such problems are to be avoided at the requested mass gathering or gatherings; and (f) shall set forth the information needed to determine compliance with each of the standards set forth in Section 304 of this Ordinance. Additionally, the Application shall be accompanied by a non-refundable permit fee per event as specified in the *Schedule of License, Permit and Application Fees* established by the Town Council. Applicants holding similar events and using the same safety, logistical, and operational plans in any given calendar year will receive a 50% discount off the application fee for each subsequent show after the initial one. [amended 09/06/95][amended 06/06/2012]

**Section 303.2. Town Council Action.**

Upon the filing of an application under Section 303.1, Town staff shall review the application and notify the applicant by letter issued no later than five business days after the filing of the application as to whether the application is deemed complete, or if not, the specific provisions of this Ordinance for which additional information must be provided. If the applicant objects to the determination that its application is not complete, then the completeness of the application may be reviewed by the Town Council at its next regularly scheduled meeting for which adequate time for notice is available. Once the application has been deemed completed either by Town staff or by the Town Council, the application shall be considered as an agenda item at the next regularly scheduled Town Council meeting for which adequate time for notice is available.

**Section 303.3. Decision and Notification.**

A. Within thirty (30) days after the Town Council first substantively considers the Section 303.1 Application (or longer with the agreement of the Operator) the Town Council shall either issue a Permit, with or without conditions, to the Operator or deny a Permit to the Operator. Any decision of the Town Council shall be in writing and shall set forth with specificity the reasons for the action taken, and in the case of denial, shall include a list of steps which, if followed by the Operator, would result in a Permit being issued, if in the judgement of the Council, the problems that resulted in denial can be cured. If the Town Council fails to either issue the Permit or send a notice of denial within the time allowed, the Permit shall be deemed to have been denied. A party aggrieved by the decision of the Town Council may appeal to the Superior Court pursuant to Rule 80B of the Maine Rules of Civil Procedure.

B. Upon approval of the “general” permit application described in Section 303.1 above, the permit holder shall file a notification at least forty-five (45) days prior to each gathering contemplated identifying, for each gathering, (a) the specific date and time (start and finish) of the event; (b) the anticipated number of attending patrons or tickets to be sold; (c) the identity(ies) of the performer(s) at the event; and (d) information pertaining to the last three performances of each performer, including date, location, and any safety problems that arose at each such performance.

**Section 303.4. Public Costs Escrow.**

The Operator shall deposit with the Town Clerk at least two weeks prior to the first contemplated gathering an amount of money equal to 120% of the estimated public costs of each contemplated mass gathering as set by the Council when issuing the permit pursuant to Section 303.3. Public costs shall be those costs incurred by the Town in connection with the contemplated mass gatherings which related to the mass gathering and which would not be incurred by the Town if such mass gathering was not held. Promptly each mass gathering, the public costs shall be calculated, and the deposit shall be refunded to the Operator to the extent it exceeds the actual public costs. If the actual public costs exceed the amount deposited, the Operator shall pay the excess to the Town within ten (10) days after being so notified in writing.

**Section 304. Permit Applications and Approval Criteria.**

The permit application submitted pursuant to Section 303.1 shall be in the form prescribed by the Town Council and shall demonstrate compliance with the following approval criteria:

**Section 304.1. Access.**

- A. Convenient and safe access for the ingress and egress of pedestrians and vehicular traffic shall be provided.
- B. Sufficient traffic control personnel to insure safety to all members of the traveling public, including pedestrians, along all public roadways in the proximity of the mass gathering and/or along which the public is likely to travel to reach the mass gathering areas shall be provided.
- C. Information submitted by the applicant requested in Subsections A and B above are to be reviewed by the Town Police Chief, Fire Chief, and Planner to determine whether these standards have been demonstrated.

**Section 304.2. Grounds.**

- A. Each mass gathering area shall be well drained and so arranged to provide sufficient space for persons assembled, vehicles, sanitary facilities, and appurtenant equipment.
- B. Trees, underbrush, large rocks and other natural features shall be left intact and undisturbed whenever possible, and natural vegetative cover will be retained, protected and maintained so far as possible to facilitate the drainage, will prevent erosion, and preserve scenic attributes.
- C. Grounds shall be maintained free from accumulations of refuse and any health and safety hazards constituting a nuisance.
- D. Illumination will be provided at night to protect the safety of the persons assembled. The mass gathering area shall be adequately lighted, but the lighting shall not unreasonably reflect beyond the assembly area boundaries unless adjacent properties are uninhabited.
- E. Adequate parking areas, including handicapped parking spaces, shall be provided for persons arriving by vehicular means, which shall mean one parking space at least 9' x 18'

in area for each 3.5 persons expected to attend. Service road(s) and parking spaces shall be located and developed to permit convenient and safe movement of vehicular and pedestrian traffic and free passage of emergency vehicles and shall be sufficiently well-lit to provide for pedestrian safety. The width of any service road(s) may not be less than the following: 2 traffic lanes - 24 feet; parallel parking lane 9 feet for each lane. The density shall not exceed one hundred fifty (150) passenger cars or thirty (30) buses per usable acre available for supervised parking. If the Operator proposes to utilize temporary off-site parking, then the Operator must demonstrate 1) that the off-site parking location is in a commercial or industrial zone, and b) during the mass gathering event the off-site temporary parking area will not be utilized for purposes other than the mass gathering event. The Town Police Chief, Fire Chief, and Planner shall review any proposed temporary off-site parking to determine whether the standards contained in this Section have been demonstrated.

F. The mass gathering area shall contain at least 10 square feet per person expected to attend. No overnight assemblage shall be permitted. Areas used for parking and roads may not be counted towards the calculation of area per person.

**Section 304.3. Water Supply.**

A. An adequate, safe supply of potable water, meeting requirements of the State Department of Human Services, Division of Health Engineering, shall be provided and common cups will not be used.

B. Transported water, if used, shall be obtained from an approved source, stored and dispensed in an approved manner. Approval as used in this paragraph means in compliance with standards adopted by the State Department of Human Services, Division of Health Engineering.

**Section 304.4. Sanitation.**

A. When water is distributed under pressure and flush toilets are used, the water system shall deliver water at normal operating pressure (20 lbs. per square inch minimum to all fixtures at the rate of at least 30 gallons per person per day).

B. When water under pressure is not available, and nonwater carriage toilets are used, at least 3 gallons of water per person per day shall be provided for drinking and lavatory purposes.

C. When water under pressure is not available, equivalent facilities shall be provided and installed in accordance with the requirements of the Department of Human Services, Division of Health Engineering.

D. Toilets shall be provided at the rate of one for each 150 persons. Urinals (Men's) and Sanistands (Women's) or Porta Johns may be substituted for the required number of toilets (24 inches of trough urinals in a men's room will be considered the equivalent of one urinal or toilet).

E. Service buildings or rooms housing required plumbing fixtures will be constructed of easily cleanable, non-absorbent materials. The buildings, service room, and required

plumbing fixtures located therein will be maintained in good repair and in a clean and sanitary condition throughout the mass gathering.

F. Separate service buildings or rooms containing sanitary facilities, clearly marked, shall be provided for each sex, and each toilet room will be provided with door that closes and locks to insure privacy. Required sanitary facilities must be conveniently accessible and clearly identified and must be handicapped accessible.

G. Wastewater shall be discharged in a manner consistent with the requirements of the State Department of Human Services, Division of Health Engineering and the Town of Scarborough.

H. Disposal and/or treatment of any excretion or liquid waste will be in a manner consistent with the requirements of the State Department of Human Services, Division of Health Engineering and the Town of Scarborough.

**Section 304.5. Refuse Disposal.**

A. Refuse shall be collected, stored, and transported in a manner that allows recycling of those materials which may be recycled and protects against odor, infestation of insects and/or rodents and any other nuisance condition, or conditions which are inconsistent with the health, safety, and welfare of the patrons of the mass gathering or the public. The Operator shall contract with a licensed waste hauler(s) for disposal of all refuse and recyclables at an approved recycling or waste disposal facility, which shall mean facilities that have been licensed or approved by the State of Maine, or if refuse or recyclables are disposed of in another state, at facilities licensed or approved by that state. Records pertaining to waste disposal shall be maintained and copies provided to the Town.

B. Refuse and recycling containers shall be clearly marked and readily accessible and the equivalent of one (1) fifty (50) gallon refuse container shall be provided for each one hundred (100) persons anticipated or that one (1) sixteen (16) cubic yard trash container should be provided for every five thousand (5,000) persons anticipated in addition to an appropriate number of recycling containers.

C. The area where motor vehicles are parked shall have one (1) fifty (50) gallon refuse container or its equivalent for every twenty-five (25) such motor vehicles or one (1) sixteen (16) cubic yard trash container for every two thousand (2,000) motor vehicles and an appropriate number of recycling containers.

D. All refuse will be collected from the assembly area at least twice each twelve (12) hour period of the assembly, with a minimum of two (2) such collections per gatherings exceeding six (6) hours, or more often if necessary, and disposed of at a lawful disposal site.

E. The grounds and immediate surrounding property shall be cleared of refuse within twenty-four (24) hours following a mass gathering.



F. In lieu of the above-mentioned requirements in this Section, the Operator may submit a detailed alternative plan for refuse disposal to be reviewed and, if reasonable and appropriate, approved by the Town Council.

**Section 304.6. Vermin Control.**

Insect, rodents, and other vermin shall be controlled by proper, sanitary practices, extermination, or other safe and effective control methods, where necessary and animal parasites and other disease-transmitting nuisances shall be controlled.

**Section 304.7. Safety.**

A. Electrical system shall be installed and maintained in accordance with the provisions of the applicable State standards and local standards and regulations, and shall be approved by the Town electrical inspector.

B. Grounds, buildings, and related facilities shall be constructed, maintained and used in a manner as to prevent fire and in accordance with the applicable State and local fire prevention regulations.

C. The Scarborough Fire Department shall be informed of the date and time of the mass gathering in writing at least fifteen (15) days from the date of notification given by the permit holder pursuant to Section 303.3(B) above in order to insure that adequate fire prevention equipment and personnel, as determined by the Fire Chief, are available.

D. Internal and external traffic and security control shall meet requirements of the applicable State and local law enforcement agencies.

E. At least one law enforcement officer for each 1,000 persons expected to attend the mass gathering (but not fewer than a total of three officers) shall be on site to assist in crowd and traffic control. The Town Police Chief and Fire Chief may recommend additional or fewer officers, depending upon the information contained in the Section 303.3 (B) Notification. If the Operator intends to use private security officers, then the identity and number of such officers shall be described in the Permit Application.

F. The Operator shall present a plan describing all measures and procedures designed to address safety concerns, including provisions for protecting the safety of those attendees at a general admission event, particularly in the area immediately in front of the stage. This plan must be reviewed and either approved or disapproved by the Scarborough Police Department within fifteen (15) days from the date that the permit holder gives notice of an event in accordance with Section 303.3(B). Tickets may not go on sale or be distributed prior to approval of the safety plan. If the proposed safety plan is disapproved, then no tickets may be distributed or sold unless and until an amended plan is approved.

G. The Operator shall ensure that adequate communication between local law enforcement, fire prevention, and emergency personnel and any private security personnel, including emergency response protocols, is provided for each mass gathering. An on-site communications center may be required by Town Officials.

H. The Operator shall notify the Council at least three (3) days in advance of each mass gathering if the particular event or gathering is sold out. When the Operator learns that a particular event is likely to be sold out, the Operator shall exercise due diligence to promptly inform the general public that tickets will not be available for sale at the time of the event. At a minimum, the Operator shall broadcast announcements in the communications media serving the entire marketing area for the facility regarding the substance of the preceding sentence.

**Section 304.8. Medical.**

A. Emergency medical services shall be provided under the supervision of a licensed physician; all other personnel must be licensed by the State of Maine, as either a Physician Assistant, R.N., or Emergency Medical Technician. The Chief of the Scarborough Fire Department shall determine the number and the license level of emergency medical service personnel and ambulances needed and the times during which they shall be available.

B. Any and all medical buildings or tents with adequate medical supplies shall be available in a convenient location and shall be clearly identified as such.

C. An adequate number of emergency vehicles duly licensed by the State of Maine as ambulance shall be available on the site beginning one half hour before the mass gathering begins and until all patrons have left the scene.

D. Telephone and radio communications, including a communications link with the police and fire departments, shall be provided and kept available for emergency purposes.

E. The Operator of the mass gathering shall contact area (within 25 miles) hospitals prior to the date of the mass gathering and advise them that a mass gathering shall be held and the approximate number of people expected to attend.

**Section 304.9. Sound.**

The Operator shall control the level of sound emanating from the mass gathering area so as to avoid the creation of a nuisance and adverse impacts on adjoining areas and on the Scarborough community. The Operator shall control sound generated by each event as follows:

A. Operator shall establish sound measurement locations at or near the property boundary of the mass gathering area, in such locations as are determined appropriate by the Town Council. For each measuring location, Operator shall install, either at the measuring location or within the mass gathering area, an integrating sound level meter meeting the measurement instrumentation requirements set forth in subparagraph (D) below. The installation of sound level monitors as well as the work required to take and record all such measurements, shall be at the expense of the Operator. Operator shall control sound emanating from the mass gathering area so as to avoid the creation of a nuisance and an adverse impact upon adjoining areas and the Scarborough Community. With respect to mass gathering areas subject to an application filed in 1994, in the event

that specific sound level limits are to be established, they may be established by the Council for the mass gathering area after October 1, 1994 but prior to March 1, 1995, and said levels are to govern the mass gathering area for subsequent mass gathering events at that site. For mass gathering areas not reviewed by the Council under this Ordinance and for which mass gathering events are proposed to occur after January 1, 1995, in the event that specific level limits are to be established, they may be established by the Council for the mass gathering area within six months of the first mass gathering conducted at the site, said levels to govern the mass gathering area for subsequent mass gathering events at that site. The sound level measurements shall be taken continuously from one-half hour before the scheduled commencement of the event until one-half hour after the conclusion of the event. The limits of this subparagraph (A) shall not apply to periods of set-up, warm-up or equipment testing occurring before an event, provided that the total of such periods does not exceed one hour in any calendar day. Operator shall maintain a written record of all sound measurements at the three sound measuring locations and submit a sound measurement data report to the Scarborough Town Council within forty-eight (48) hours after each mass gathering, together with the affidavit of the person or persons taking such measurements stating affirmatively that such measurements are true and accurate and were taken in compliance with the procedures of subparagraph (D) below.

B. The Operator shall permit up to three representatives of the Town designated in advance by the Town Council to be present at each mass gathering for the purpose of observing and verifying the sound level measurements. If at any time during a mass gathering, after the Council has set specific sound level limits pursuant to subparagraph (A) above, those limits are exceeded, the designated municipal representative shall promptly issue a warning to the Operator. If any of the limits is exceeded during the second successive ten minute LEQ period after the warning or during any ten minute LEQ period thereafter, each such incident exceeding a limit after the initial warning shall constitute a violation of this Ordinance and the Operator shall pay to the Town of Scarborough liquidated penalties as follows:

First Violation:		\$1,000
Next Violation:	(Same Mass Gathering)	\$2,000
Each Subsequent Violation:	(Same Mass Gathering)	\$5,000

C. The Operator may appeal liquidated penalties to the Scarborough Town Council by filing a written notice of appeal within forty-eight (48) hours after the conclusion of the event. Within seven (7) days after receipt of such appeal, the Town Council shall hear the appeal and may reduce or rescind the liquidated penalties if the Council finds that the Operator made a good faith attempt to avoid violating the limits, and despite the Operator’s efforts, the violation occurred, or if the Council finds that the violation was unavoidable. “Unavoidable” means that the sound level could not be adjusted at the control console without altering the content of the performance because the concert was not employing electronic

amplification and that the violation was not anticipated by the Operator in advance of the concert, or that the sound level could not reasonably be controlled by the Operator in a non-concert setting, and the violation was not reasonably foreseeable by the Operator in advance of the mass gathering.

D. The procedures for determining the compliance with subparagraph (A) above shall be as follows:

1. Measurements shall be supervised by personnel who are well qualified by training and experience in measurement and evaluation of environmental sound.
2. An integrating sound level meter shall meet all of the Type 1 or 2 performance requirements of American National Standard Specifications for Sound Level Meters, ANSI S1.4-1983 and the Type 1 or 2 Performance Requirements for integrating/averaging in the International Electrotechnical Commission Standard on Integrating-Averaging Sound Level Meters, IEC Publication 804 (1985).
3. An acoustical calibrator of a type recommended by the manufacturer of the sound level meter and that meets the requirement of the American National Standard Specification for Acoustical Calibrators, ANSI S1.40-1984 shall be used for sound measurement.
4. A microphone windscreen shall be used of a type recommended by the manufacturer of the sound level meter.
5. The sound level meter shall have been calibrated by a laboratory within 12 months of the measurement, and the microphone's response shall be traceable to the National Bureau of Standards (or its successor agency).
6. Field calibrations shall be recorded before and after each event and not less than once every two hours during each event or at shorter intervals if recommended by the manufacturer.
7. The microphone shall be positioned at a height of approximately 4 to 5 feet above the ground, and oriented in accordance with the manufacturer's recommendations.
8. Measurement locations shall be selected so that no vertical reflective surface exceeding the microphone height is located within 30 feet.
9. The sound measurement data shall include the following:
  - i. The dates, days of the week and hours of the day when measurements were made.
  - ii. The wind direction and speed, temperature, humidity and sky condition.
  - iii. Identification of all measurement equipment by make, model and serial number.

- iv. The most recent dates of laboratory calibration of sound level measuring equipment.
- v. The dates, time and results of all field calibrations during the measurements.

E. The Operator will at its own expense provide reasonable training and education for its employees, contract staff, and its public safety and security personnel in order to preserve the public safety, health and order, and will provide the Scarborough Town Council with written certification of the training and education of such personnel.

F. Nothing in this Ordinance in any way limits the ability of police, fire and other public safety personnel to enter the mass gathering area during events for the purpose of protecting the public safety.

**Section 304.10. Alcoholic Beverages.**

If the Operator intends to sell or permit the sale of alcoholic beverages within the mass gathering area during a mass gathering, the Operator shall restrict the time and location of such sale so that alcoholic beverages are sold only during the particular event and so that public safety and order will not be impaired. The Operator shall comply fully with the laws of the State of Maine regulating the sale and consumption of alcoholic beverages, as well as with the Town's Special Amusement Ordinance. No alcoholic beverages shall be sold at a mass gathering after 10:00 p.m. Alcoholic beverages may be sold and consumed only within a restricted area of the Facility, which does not include the parking lot. The Operator shall identify, in its Permit Application, the specific restricted areas where it proposes to sell alcoholic beverages, and the means by which it anticipates to limit the consumption of alcohol to such restricted portions of the mass gathering area. Additionally, the Operator shall exercise all due diligence and exert its best efforts to prevent the unauthorized consumption of alcoholic beverages on any part of the mass gathering area outside of the restricted areas, and to prevent patrons of the mass gathering area from using, consuming, bringing in, or otherwise obtaining alcoholic beverages in any manner not authorized by this Ordinance of the Special Amusement Ordinance. Nothing in this Ordinance shall preclude the Operator from implementing more restrictive rules for the sale and consumption of alcoholic beverages. In lieu of the above-mentioned requirements in this Section, the Operator may submit a detailed alternative management plan for the sale of alcoholic beverages subject to the approval of the Town Council and the Maine Bureau of Liquor Enforcement.

**Section 304.11. Dates and Hours of Mass Gatherings.**

The Operator shall schedule events at the mass gathering area so that they do not have an adverse impact on the areas adjoining the mass gathering area and upon the Scarborough community. For purposes of this Section, any mass gathering event that occurs in whole or in part prior to 9:00 a.m. or after 11:00 p.m. will be presumed to create an adverse impact, unless the Operator can demonstrate to the contrary. Each event must conclude no later than the hours set forth herein, but in cases of unavoidable delays because of weather or transportation problems, events may be extended, provided the Operator

promptly notifies the Scarborough Police Chief or the police officer in charge of security at that event that a delay will occur.

#### **ARTICLE IV - BOND AND PUBLIC CODES**

##### **Section 401. Bond.**

The Operator shall carry public liability insurance in at least the following amounts: \$300,000 Bodily Injury (per person); \$500,000 Bodily Injury (per occurrence); and \$100,000 property damage, which insurance policy shall name the Town as an additional insured and shall contain a clause providing that the policy may not be canceled by either party except upon not less than thirty (30) days written notice to the Town. A copy of the insurance policy shall be provided to the Town at the time of the filing of the application. Additionally, if the Operator carries public liability insurance in an amount greater than the figures set forth in this Section, then the Town shall be named as an additional insured.

#### **ARTICLE V - PENALTIES AND REVOCATION**

##### **Section 501.1. Penalties.**

Any person, including the Operator, violating this Ordinance shall be punished by a civil penalty of at least \$100 but not more than \$500. The failure to comply with conditions imposed upon the issuance of a mass gathering permit shall be a violation of this Ordinance. Each violation shall be considered a separate offense, and each day a violation is allowed to exist shall be considered a separate offense. The civil penalty provided for in this Section 501.1 shall be in addition to any other penalty provisions provided within this Ordinance, and shall be in addition to all other remedies to the Town of Scarborough at law and in equity. The provisions of this Ordinance shall be enforced by the Town Manager or such other municipal official or employee as the Town Manager shall designate in writing.

##### **Section 501.2. Revocation.**

The Council may revoke a mass gathering permit issued pursuant to this Ordinance upon finding that the Operator has violated one or more of the provisions of its mass gathering permit, if the Council finds that the violations are likely to occur again in future mass gathering events sponsored by the Operator at the same mass gathering area subject to the permit and where the previous violations occurred. The Council may revoke a permit only after the Operator has been given notice and an opportunity to be heard. In the case of a revocation, the Operator must receive notice of the proposed revocation at least fourteen (14) days prior to the revocation hearing. A decision by the Council to revoke an application shall not take effect until fourteen (14) days after the Operator has actual notice of the decision. The Council may, however, shorten any of the time periods prescribed in this Section 501.2 if the Council finds that an emergency posing an imminent threat to the public health, safety or welfare exists and requires immediate action. The decision of the Council to revoke a permit is not appealable to any other board or agency within the Town of Scarborough.

#### **ARTICLE VI - SEVERABILITY AND EFFECTIVE DATE**

##### **Section 601. Severability.**

The invalidity of any provision of this Ordinance shall not invalidate any other part thereof.

**Section 602. Effective Date.**

This Ordinance shall take effect immediately upon adoption of the same by the Town Council of the Town of Scarborough.

**Section 603. Applicability.**

Notwithstanding anything to the contrary in 1 M.R.S.A. §302, the provisions of this Ordinance shall apply to any application, request or proposal for a mass gathering permit which may be pending on or after March 16, 1994, the date of introduction of this Ordinance before the Town Council.

**Section 604. Repeal.**

This Ordinance repeals, replaces and supersedes the Ordinance entitled “Mass Gathering Ordinance of the Town of Scarborough, Maine, previously enacted by the Town Council.”