

# Town of Lebanon

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Lebanon, ME 04027



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## Events and Outdoor Festivals Ordinance Town of Lebanon

### Section 1. Purpose and Authority

The Board of Selectmen of the Town of Lebanon is concerned about serious public health and safety problems that may result when crowds assemble for any organized event. These matters include waste disposal, potable water, first aid, obstruction and damage to road and highway, violation of alcohol and controlled substance laws, and destruction of both public and private property. Therefore, the following ordinance is hereby adopted in the interest of promoting the general welfare, public health, and providing for public safety. This Ordinance is adopted pursuant to the "Home Rule" powers under The Maine Constitution and 30-A M.R.S.A. Sec. 3001.

### Section 2. License Required

- A) No person shall exhibit, sponsor, hold, promote or operate any pageant, amusement show or theatrical performance, including any festival or exhibition, which in excess of 250 (two hundred and fifty) [but less than 500 (five hundred) for 5 (five) hours] people are expected to attend and where a substantial portion of the entertainers or persons attending will be out of doors, without first receiving from the Municipal Officers a license prior to the event.
- B) If such a pageant, amusement show or theatrical performance, including any festival or exhibition, which in excess of 250 (two hundred and fifty) [but less than 500 (five hundred) for 5 (five) hours] people are expected to attend and where a substantial portion of the entertainers or persons attending will be out of doors, is held; an application must be submitted to Code Enforcement 30 (thirty) days before the event. It is suggested that the application and instructions be picked up from Code Enforcement at least 45 days before the event to ensure the complete application is returned no later than 30 days before the event. Said application shall include a fee as outline in the Schedule of License, Permit and Application fees established annually by the Board of Selectmen, which shall not exceed the Town's reasonable costs of administering and enforcing this ordinance.

### Section 3. Required Facilities

The applicant shall satisfy to the municipal officers that the following facilities will be available for such event in the area to be used, and no such person shall hold such an event unless such facilities are available. The applicant shall be subject to inspection by the Code Enforcement Officer, Municipal Officers, and/or the Fire and Rescue Chief, to ensure the requirements herein are adhered to.

- a) Evidence must be provided in writing from the operator concerning the source(s) of potable water. Where water is distributed under pressure and flush toilets are used, the water system shall deliver water at normal operating pressure (20 pounds per square inch minimum to all fixtures at the rate of at least 30 gallons per person per day). Where water under pressure is not available, and nonwater toilets are used, at least 1 and ½ gallons of water per person per day shall be available for drinking and lavatory purposes.
- b) Toilet facilities shall be available to guests of the event at a rate of at least two facilities for every reasonably expected 250 persons to attend. At least one of these facilities shall be accessible. After the first two facilities, one additional facility shall be available for each reasonable expected 150 persons. Such facilities shall conform to the Maine State Plumbing Code. At each toilet facility, there shall be hand washing facilities, which may utilize stored water with adequate provision for disposal of wastewater and with soap dispensers available. Hand sanitizing may be available in place of hand washing facilities.
- c) Adequate containers with suitable plastic bags shall be spaced in the area to take care of solid waste, with at least one container for each reasonably anticipated 50 persons. Within 24 hours after the close of the event, such waste material shall be removed from the area and disposed of according to Section 4 –C.
- d) A first-aid facility staffed with a person authorized to administer aide in Maine, or at least one ambulance from a private company authorized to do business in Maine, shall be provided on the grounds. Such Facility shall be accessible as defined in the Americans with Disabilities Act and shall be clearly labeled.
- e) Off-street parking facilities shall be furnished, with at least one vehicle space with adequate access-ways for each four (4) persons reasonably expected to attend. A parking attendant shall be provided to direct traffic to and from public ways, with at least two attendants for each reasonably expected 250 persons.
- f) The applicant shall furnish with the application a plan showing the size and location of the toilet and washing/sanitizing facilities, waste containers, first-aid facility and off-the-street parking.

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#### Section 4. Bond, Proof of Authority to use property, Proof of Neighbor Notification, Waste Removal

- a) The applicant shall furnish with the application a corporate surety bond or liability insurance from a company authorized to do business in Maine, insuring that forthwith after the event the grounds will be cleaned of waste and damages to public property in the area arising out of or in connection with the event will be promptly paid. The Municipal Officers and/or Code Enforcement shall determine if the amount of liability coverage and/or surety bond presented is sufficient to cover costs that may be incurred on a case by case basis. It is suggested to speak with the Municipal Officers and/or Code Enforcement before obtaining such coverage to ensure that it is sufficient upon receipt of the Application which shall be no later than 30 days before the event.
- b) The applicant shall file with the application adequate proof that he/she has authority from any landowner to use the property and shall furnish proof that a the provided neighbor notification form has been sent to any property abutters in the form of certified mail, return receipt requested.
- c) The applicant shall file with the application the name of the company whom will be responsible for cleaning up solid waste. No such company, nor the event holder or its officers, shall utilize the Transfer Station in Town as a means of disposing the waste created during such private event at the expense of the taxpayers. If such waste is disposed of at the Town Transfer Station a reasonable cost will be charged at the time of disposal.

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#### Section 5. Noise Constraints

No person shall make, continue or cause to be made or continued any loud, boisterous, unnecessary or unusual noises which shall annoy, disturb, injure or endanger the comfort, repose, health, peace or safety of others in connection with such event.

- a) The sound of the event should not carry unreasonably beyond the boundaries of the gathering areas.
- b) The noise level at the perimeters of the area should not exceed 70 decibels on the A scale of a sound level meter meeting specifications on the American National Standards Institute, unless the gathering area is remotely located and surrounding adjacent properties are uninhabited.
- c) If the Selectmen feel that the above decibel is excessive due to neighbor complaints or proximity The Selectmen have the authority to determine a reasonable noise level.
- d) The Selectmen shall determine a time for such noise to cease or lower. This constraint shall be noted on the permit for such event.

## Section 6. Waiver

- a) The Board of Selectmen of the Town of Lebanon understands that extenuating circumstances may prevent an applicant from submitting an application by the thirty (30) day deadline. A waiver form may be submitted to the Municipal Officers with the Application if it is submitted later than thirty (30) days before the event, and the Municipal Officers shall determine on a case by case basis if such waiver shall be granted based on the circumstances presented. Furthermore, the Municipal Officers have the Authority to waive any or all of the provisions of this Ordinance as they see necessary for extenuating circumstances only, with the exception that an application must be submitted in all cases. Submission of a waiver form to the Municipal Officers does not guarantee a waiver will be granted. A waiver form shall not be used to circumvent any provision of this Ordinance. Any waiver form used solely to circumvent any provision of this Ordinance shall not be granted and no permit shall be issued and the applicant may be subject to a penalty as outlined in Section 7.
- b) The Town of Lebanon shall be exempt only from provisions outlined in Section 2.b requiring a fee and Section 4.c referring to transfer station use. This only exempts Town events from paying the fee and gives the town the ability to use the transfer station. Any and all Town Events will be subject to all other provisions of this Ordinance.

## Section 7. Violations and Penalties

Any person directly or indirectly exhibiting, promoting, sponsoring, operating or holding such event as owner, lessor, lessee, landlord, tenant, operator or entertainer and not complying with any provision of this Ordinance shall be liable to a civil penalty of \$500 per day for each infraction and shall be personally responsible for damages to public or private property arising out of or in connection therewith and shall be subject to any civil or injunctive relief that may be reasonable and proper.

THIS ORDINANCE WAS ADOPTED BY TOWN MEETING VOTE ON NOVEMBER 3<sup>RD</sup> 2015



ATTEST A TRUE COPY

MANDY GRENIER - TOWN CLERK