

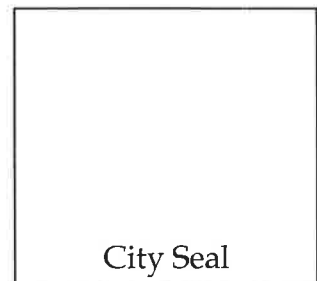
**CHAPTER 39**  
**CITY OF PRESQUE ISLE**

*Public Assemblies Ordinance*



First Hearing: January 4, 1999  
Second Hearing: January 20, 1999  
Repassed: January 6, 2014  
Repassed: January 3, 2018  
Repassed: January 5, 2022

Attest: Kimberly A. Finnemore  
Kimberly A. Finnemore City Clerk



## CHAPTER 39

### PUBLIC ASSEMBLIES ORDINANCE

**WHEREAS**, it appears necessary for the protection, health, and welfare of the Inhabitants of the City of Presque Isle and the general public in regard to certain entertainments, amusements, and assemblies, that certain rules and regulations be established, and

**WHEREAS**, there is danger to the people attending or taking part in the gatherings if proper sanitary, police and other health and safety measures are not adequately provided for,

**NOW THEREFORE BE IT RESOLVED:**

#### ***SECTION 1      SCOPE***

No person, corporation, organization, or other entity, landowner or lessee shall exhibit, sponsor, hold, promote, or operate any pageant, amusement show, live or recorded musical entertainment, theatrical performance, or other public assemblage, where in excess of 400 people are reasonably anticipated to attend and where a substantial portion of the exhibitors, sponsors, promoters, operators, attendees will be out of doors without procuring a license therefore from the Code Enforcement Officer (hereafter CEO). Activities sponsored by the City of Presque Isle, or by MSAD No. 1, or by the Northern Maine Fair Association, if held on land owned by the Northern Maine Fair Association at the “fair-grounds” are expressly excluded from this Section of the Ordinance.

#### ***SECTION 2      LICENSES***

Written application for amusement, entertainment, or assembly permits shall be made to the City CEO and said application must be submitted thirty (30) or more days prior to the first day upon which such amusement, entertainment, or assembly is to be or may be held. Approval or denial of permits as herein provided for shall be made within twenty-one (21) days after application therefore. Failure to act within said period shall constitute an approval. Permits shall be granted provided the following conditions (A-F) of Section 5 are met by the applicant. Denial of the permit by the CEO shall be in writing stating the reasons for the denial and shall be subject to appeal to the Superior Court in accordance with Rule 80(b) of the Maine Rules of Civil Procedure.

**SECTION 3      LICENSE FEES**

There shall be paid at the time of processing the application for an assembly license a fee according to the following schedule:

| <u>Attendees</u> | <u>License Fee</u> |
|------------------|--------------------|
| 400 - 1000       | \$ 50.00           |
| 1001 - 2000      | \$ 150.00          |
| more than 2000   | \$ 300.00          |

Provided, however, the City Council, in its sole and uncontrolled discretion, may waive the license fee in isolated instances.

**SECTION 4      CONTENTS OF APPLICATION FOR LICENSE**

No license shall be granted by the CEO unless the applicant satisfies the CEO that proper facilities will be available for the proposed event in the area to be used and that adequate precautions have been taken to ensure the public health and safety of attendees and the general public.

**SECTION 5      STANDARDS FOR ISSUANCE**

The CEO shall issue a license to the applicant in the event the CEO determines that the applicant has the ability to comply with and complies with the following standards, considering the size, duration and nature of this proposed event:

A. Sanitary Facilities

No such license for an entertainment, amusement, or assembly shall be granted by the CEO unless the application is accompanied by the written approval of the Health Officer, Chief of Police and Fire Chief of the following minimum facilities: “the sufficiency and number of such minimum facilities shall be at the sole discretion of the CEO, based upon recommendations by the Health Officer, Chief of Police and Fire Chief.”

1. Water Supply
  - a. Every location for which a license must be obtained have an adequate supply of water which is of a sanitary quality approved By the Health Officer.
  - b. Sufficient number of drinking fountains or drinking facilities shall be provided which have been approved by the Health Officer.
  
2. Toilets and Washing Facilities
  - a. Every location for which a license must be obtained hereunder shall be provided with sufficient number of toilets, urinals, and hand washing facilities conveniently located.

- i. Separate toilet facilities shall be provided for each sex and shall be so marked.
- ii. All toilets must be approved by the Health Officer.

### 3. Food Preparation and Food Service Facilities

Should the applicant for a license hereunder provide or have to believe that there will be provided any type of public food services for the event for which the license is required, then the applicant shall submit with the application the approval of the Health Officer and the State Department of Health and Welfare for the facilities so provided.

#### B. Fire Protection

No license shall be granted hereunder unless the applicant has shown that the Chief of the Presque Isle Fire Department has approved fire protection devices and equipment available at, in, or near any building, tent, stadium, or enclosure wherein or whereupon any persons may be expected to congregate at any time during the course of such entertainment, amusement, or assembly for which a license is hereunder required.

#### C. Police and Traffic Provisions

No license shall be granted hereunder unless it is shown by the applicant that adequate traffic control and crowd protection policing have been contracted for or otherwise provided by the applicant and approved by the Chief of Police. Contracted traffic control and crowd protection service costs shall be paid in advance by the applicant.

#### D. Parking Provision

Application for a license under Ordinance shall be accompanied by a showing that adequate parking facilities have been made available to the location for which the license is requested, and approved by the Chief of Police.

#### E. Inspection

No license shall be granted hereunder unless the applicant shall in writing upon the application for such a license, consent to allow the law enforcement and public health and fire control officers of the City of Presque Isle to come upon the premises for which the license has been granted for the purpose of inspection and enforcement of the terms and conditions under which the license is granted.

F. Hours

No entertainment, amusement, or assembly coming within the provisions of Section 1 shall be conducted within the municipality between the hours of 1:30 AM and 7:00 AM. Provided however, the City Council, in its sole and uncontrolled discretion may waive the requirement in isolated instances.

**SECTION 6        *LIABILITY INSURANCE***

The sponsors of any said entertainment, amusement, or assembly shall be required to furnish evidence of a liability insurance policy providing for \$300,000 bodily injury coverage per person, \$1,000,000 bodily injury coverage per occurrence, and \$100,000 property damage naming the City of Presque Isle as an additional insured.

**SECTION 7        *PRIVATE LANDOWNER AUTHORITY***

In the event that private property is to be used in connection with such event, the applicant shall file with the CEO adequate proof in writing that the applicant has authority from any landowner upon which is to be held to use his property.

**SECTION 8        *ADDITIONAL INFORMATION***

The applicant, if called upon to do so by the CEO, 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, food disposing facility(s) and available parking.

**SECTION 9        *DUTIES OF LICENSEE***

- A. The Licensee shall comply with all conditions of any license issued hereunder and with all applicable local, state and federal laws and Ordinances.
- B. The Licensee or its designated agent shall make available to any municipal officer, police officer, fire official or CEO any license issued hereunder during the entire course of the event.

**SECTION 10       *VIOLATION AND PENALTIES***

Any person or persons found guilty of violating this Ordinance or who fails to comply with any stated permit condition or restriction commits a civil offence. Upon conviction, guilty party or parties shall be punished pursuant to 30A M.R.S.A. § 4452. Monetary penalties may be assessed on a per-day basis.

The CEO shall have the authority to revoke any license issued hereunder in consequence of a violation of any conditions of the license or any noncompliance with the standards for issuance of a license, or this Ordinance.

***SECTION 11      SAVING CLAUSE***

If any Section or part thereof, sentence, clause or phrase of this Ordinance shall be held to be unconstitutional or invalid the remaining provisions thereof shall, never the less remain in full force and effect.

***SECTION 12      ENFORCEMENT***

The Chief of Police of the City of Presque Isle, or his or her designee shall be responsible for the enforcement of this Ordinance.

***SECTION 13      SUNSET PROVISION***

This Ordinance shall be in force for the term of four (4) years from its effective date noted below. This Ordinance shall become null and void upon the expiration of four (4) years from the said effective date; and unless recommended.