

CHAPTER 265**MASS GATHERINGS****§1601. Permit required**

1. Hazard. The Legislature finds that mass outdoor gatherings frequently create a hazard to the public health, safety and peace. Accordingly, it is deemed to be appropriate and in the interest of the public welfare to regulate the conduct of such gatherings in order to protect the public health and safety. [PL 1977, c. 347, §2 (RPR).]

2. Mass outdoor gatherings. For the purposes of this chapter, a mass outdoor gathering shall be deemed to mean any gathering held outdoors with the intent to attract the continued attendance of 2,000 or more persons for 12 or more hours. [PL 1977, c. 347, §2 (RPR).]

3. Permit required. No person, corporation, partnership, association or group of any kind shall sponsor, promote or conduct a mass outdoor gathering until a permit has been obtained from the Commissioner of Health and Human Services. [PL 1977, c. 347, §2 (RPR); PL 2003, c. 689, Pt. B, §7 (REV).]

SECTION HISTORY

PL 1971, c. 341 (NEW). PL 1975, c. 293, §4 (AMD). PL 1977, c. 347, §2 (RPR). PL 2003, c. 689, §B7 (REV).

§1602. Permit issuance

1. Written application. The Commissioner of Health and Human Services shall issue a permit for a mass outdoor gathering upon receipt of a written application therefor unless, after the consideration of the factors listed in subsection 2, it appears to the commissioner within a reasonable certainty that the gathering will present a grave and imminent danger to the public health or to the public safety. [PL 1977, c. 347, §3 (NEW); PL 2003, c. 689, Pt. B, §7 (REV).]

2. Commissioner's determination. In determining whether there exists a reasonable certainty that the gathering will present a grave and imminent danger to the public health or safety, the commissioner shall consider the nature of the gathering and the availability of:

- A. An adequate and satisfactory water supply and facilities; [PL 1977, c. 347, §3 (NEW).]
- B. Adequate refuse storage and disposal facilities; [PL 1977, c. 347, §3 (NEW).]
- C. Sleeping areas and facilities; [PL 1977, c. 347, §3 (NEW).]
- D. Wholesome and sanitary food service; [PL 1977, c. 347, §3 (NEW).]
- E. Adequate medical supplies and care; [PL 1977, c. 347, §3 (NEW).]
- F. Adequate fire protection; [PL 1977, c. 347, §3 (NEW).]
- G. Adequate police protection; [PL 1977, c. 347, §3 (NEW).]
- H. Adequate traffic control; and [PL 1977, c. 347, §3 (NEW).]

I. Any other matters as may affect the security of the public health or safety. [PL 1977, c. 347, §3 (NEW).]
[PL 1977, c. 347, §3 (NEW).]

3. Plans; cooperation. In its review of applications for permits for the holding or promoting of a mass outdoor gathering, the department may require such plans, specifications and reports as it considers necessary for a proper review. In its review of such applications, as well as in carrying out its other duties and functions in connection with such a gathering, the department may request and must receive from all public officers, departments and agencies of the State and its political subdivisions such cooperation and assistance as may be necessary and proper. A permit may not be issued by the department until the commissioner or the commissioner's representative has discussed the application with the municipal officers of the municipality in which the event is intended to be held. [RR 2021, c. 2, Pt. B, §99 (COR).]

4. Permit denied; appeal. An applicant who has been aggrieved by the department's decision to deny a permit under this chapter may file within 30 days of the notice of the denial a complaint with the District Court, as provided in Title 5, chapter 375. A hearing before the District Court for reconsideration of the denial may be advanced on the docket and receive priority over other cases when the court determines that the interests of justice so require. [PL 2011, c. 559, Pt. A, §24 (AMD).]

5. Municipal ordinances and regulations. The requirements of this chapter and of the regulations adopted under this chapter shall be considered minimum requirements. Nothing shall preclude a municipality from enforcing any ordinance or regulation which is more stringent than the requirements of this chapter or of the regulations adopted under this chapter. [PL 1977, c. 347, §3 (NEW).]

SECTION HISTORY

PL 1971, c. 341 (NEW). PL 1975, c. 293, §4 (AMD). PL 1977, c. 347, §3 (RPR). PL 1981, c. 703, §A11 (AMD). PL 1987, c. 402, §A139 (AMD). PL 1999, c. 547, §B78 (AMD). PL 1999, c. 547, §B80 (AFF). PL 2003, c. 673, §AA1 (AMD). PL 2003, c. 689, §B7 (REV). PL 2011, c. 559, Pt. A, §24 (AMD). RR 2021, c. 2, Pt. B, §99 (COR).

§1603. Permit conditions

(REPEALED)

SECTION HISTORY

PL 1971, c. 341 (NEW). PL 1977, c. 347, §4 (RP).

§1604. Permit, bond

The Department of Health and Human Services may also require, prior to the issuance of a permit, that the applicant furnish to the department a bond of a surety company qualified to do business in this State in such an amount as the department shall determine, but in no event more than \$5,000, to ensure the public peace, safety and compensation of damage to property, public or private. This requirement for a bond does not preclude the applicant or any other persons from obtaining personal liability insurance for a mass outdoor gathering. Cash or negotiable securities of equivalent value may be furnished in lieu of the bond. The bond must guarantee cleanup by the applicant of the area used for the mass outdoor gathering, compliance by the applicant with any applicable state or local law or regulation and payment by the applicant of all proper claims against the applicant for damage to real or personal property in the municipality for which the permit is issued and arising out of facts done or omitted to be done by the applicant, the applicant's agents or employees. Any person having such a claim may bring an action upon the bond in the Superior Court of the county in which the municipality is located within one year of the occurrence of the act complained of. In furnishing such a bond, the applicant is deemed to have appointed the surety company as agent for the service of process upon the applicant or if cash or securities are supplied in lieu of a bond, the applicant shall in writing appoint an agent for the service of process, irrevocably, for the term within which action may be brought before any permit is issued. [PL 2003, c. 673, Pt. AA, §2 (AMD); PL 2003, c. 689, Pt. B, §6 (REV).]

SECTION HISTORY

PL 1971, c. 341 (NEW). PL 1975, c. 293, §4 (AMD). PL 1977, c. 347, §5 (AMD). PL 2003, c. 673, §AA2 (AMD). PL 2003, c. 689, §B6 (REV).

§1605. Application and permit fee

The fee for reviewing an application is \$100 and must accompany the application, and the fee for a permit is a maximum of \$750 and must be submitted promptly when requested by the department. Travel costs may also be charged to the applicant for department inspectors providing health inspection and oversight during the event. Rules, which are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A, must be established providing a fee schedule and related requirements. All funds received under this chapter must be deposited as General Fund undedicated revenue. [PL 2003, c. 673, Pt. AA, §3 (AMD).]

SECTION HISTORY

PL 1971, c. 341 (NEW). PL 1977, c. 347, §6 (AMD). PL 2003, c. 673, §AA3 (AMD).

§1606. Penalty

Any person violating any provision of this chapter, or any rule and regulation issued pursuant thereto, shall be punished by a fine of not more than \$5,000 or by imprisonment for not more than 11 months, or by both. [PL 1971, c. 341 (NEW).]

SECTION HISTORY

PL 1971, c. 341 (NEW).

§1607. Application

This chapter does not apply to fairs licensed, defined and regulated under Title 7, chapter 4, or military activities. It does not apply to persons, associations, corporations, trusts or partnerships licensed under Title 8, chapters 11 and 18. [PL 2015, c. 148, §4 (AMD).]

SECTION HISTORY

PL 1971, c. 341 (NEW). PL 1977, c. 347, §7 (AMD). PL 1987, c. 395, §A88 (AMD). PL 2005, c. 563, §15 (AMD). PL 2013, c. 595, Pt. U, §8 (AMD). PL 2015, c. 148, §4 (AMD).

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