

TOWN OF GORHAM

Ordinance to Regulate Fraternity and Sorority Houses

Adopted - October 5, 2010

Effective – November 4, 2010

Amended – March 1, 2011

Ordinance to Regulate Fraternity and Sorority Houses

Section 1. Purpose

- 1.1 The purpose of this ordinance is to ensure the safe operation of fraternity and sorority houses, as defined below, for residents who are living in these facilities and to ensure that fraternities and sororities are good neighbors within the immediate areas in which they are located.

Section 2. Authority

- 2.1 This ordinance is enacted pursuant to Title 30-A M.R.S.A., Section 3001.

Section 3. Severability Clause

- 3.1 If any part of this Ordinance is held to be invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this Ordinance.

Section 4. Definitions

- 4.1 Fraternity or Fraternity House: Any building or structure, and the use thereof, traditionally affiliated with a college or university, regardless of whether any such affiliation is currently recognized formally or not, providing common living, dining, kitchen, study and/or sleeping areas for college or university students as members of the fraternity and their guests. The term shall be deemed to include similarly defined sorority houses, but shall not be deemed to include fraternal organizations, such as the Masons or the Elks.
- 4.2 License Year: Shall be the period of time from August 1 to July 31 of the following year.
- 4.3 Mass Gathering: For purposes of this ordinance, a Mass Gathering at a Fraternity House shall be any event when 15 or more non-resident guests are reasonably expected to attend at the Fraternity House.

Section 5. Annual License and Fee Required

- 5.1 Each Fraternity House shall be required to obtain an annual license from the Town by August 1. Said license will be good for the license year that runs from August 1 to July 31, unless revoked pursuant to section 5.4.
- 5.2 In order to obtain a license, a Fraternity House:
- Must have successfully passed its most recent Life Safety Code Fire Inspection conducted by the Town of Gorham's Fire Inspector.
 - Must have all of the property taxes on the facility fully paid.

- Must pay the annual license fee.
- May not have recorded more than 5 responses by the Gorham Police Department requiring police action and attributable to violations by the offending fraternity in the preceding license year.

5.3 The annual license fee shall be established by the Town Council and may be periodically adjusted by Town Council vote.

5.4 The Town of Gorham may revoke an annual license for a Fraternity House when during the course of its license year, the facility:

- a. Complies 2 or more violations of this ordinance, or
- b. Records more than 5 responses by the Gorham Police Department, or
- c. Fails its most recent Life Safety Code inspection by the Town and has failed to bring the Fraternity House into compliance within a reasonable period of time, as solely determined by the Gorham Fire Department.

Section 6. Life Safety Code Inspections

6.1 The Fire Department shall conduct regular semi-annual inspections of Fraternity Houses to ensure continued compliance with all applicable Life Safety Codes. When violations are found pursuant to an inspection, and after written notice thereof and an order to correct any such violations have been given to the appropriate representative of the fraternity house, the Fire Department may conduct as many additional inspections as needed to ensure compliance. The Town Council shall by Council Order set a fee for the regular inspections and for follow up inspections which fee may be changed periodically by Town Council vote.

Section 7. Mass Gatherings

7.1 At any event held at a Fraternity House, when 15 or more non resident guests are reasonably expected to attend, the Officers of the Fraternity House shall notify the Gorham Police Department and Fire Department, in advance, of the time and place of the event, and the number of guests that are expected to be attending.

7.2 The Fire Department shall inspect the facility where the function is to be held and will determine the allowed occupant load for the function.

7.3 At any mass gathering event held at the Fraternity House, when alcohol is being served or allowed to be consumed, the Officers of the local chapter responsible for the Fraternity House¹ shall require all guests to sign-in. The sign-in list shall contain the printed name, signature and a method of contact for each guest. This list shall be available for immediate inspection, at any time, by the Gorham Police Department.

7.4 The Officers of the local chapter responsible for the Fraternity House¹ shall designate one of the Officers of the local chapter as the event supervisor who shall be in the facility at all times during the event and available to meet with any Police Officer or Emergency Response Personnel, responding to a call.

¹ Amended March 1, 2011

Section 8. Violations and Penalties

8.1 Except as otherwise provided by law, anyone found to be in violation of any provisions of this Ordinance shall be subject to a fine of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000) for each offense to be recovered for use by the Town and shall be subject to such other legal and equitable remedies as may be available to the Town including, without limitation, an award of attorney's fees pursuant to 30-A MRSA, Section 4452. Each day any such violation continues, shall constitute a separate offense.