

§ 10-44. Title. [Ord. of 4-5-2004]

This article shall be known as the City of Old Town, Maine "Special Events Permit Ordinance."

§ 10-45. Purpose. [Ord. of 4-5-2004]

The purpose of this article is to provide the City of Old Town with a mechanism for regulating the dates, times, location and conditions under which permittees are authorized to make use of public property in a manner which is consistent with the public health, safety and welfare and which promotes the use of public property for special recreational, entertainment, or charitable events.

§ 10-46. Definitions. [Ord. of 4-5-2004]

For purposes of this article, the following definitions shall apply:

PARK — Any properties owned and maintained by the City of Old Town as a public park.

PUBLIC PROPERTY — Any land owned by the City of Old Town, Maine.

SPECIAL EVENT — Any event, sponsored by an individual, corporation, partnership or other entity or organization intended primarily for recreational, entertainment or charitable purposes, which requires the use of public property of the City of Old Town, Maine.

- (a) **MINOR EVENT** — An event not exceeding four hours in duration and less than 100 people affiliated with the event, (i.e. a wedding ceremony, etc.).
- (b) **MAJOR EVENT** — An event exceeding four hours in duration and more than 100 people affiliated with the event, (i.e. community festival; carnival; street dance; charitable walk for a cause). Also, a major event clearly involves additional City services (i.e. police protection; more than one vendor needing electrical usage; etc.).

§ 10-47. Special events permit required. [Ord. of 4-5-2004]

All special events applications will be reviewed and interpreted as a major or minor event by the City Clerk, police chief, parks and recreation director and other appropriate department managers. No person may conduct a major special event on public property without a special events permit issued by the Old Town City Council pursuant to this article. If determined to be a major special event, then the application will be forwarded to the City Council for approval. If determined a minor event, then the City Clerk will proceed with proper authorization and fee schedule.

§ 10-48. Special events permit application. [Ord. of 4-5-2004]

- (a) Each special events permit application shall be submitted to the City Clerk at least 20 days prior to a regular meeting of City Council for a major event and 20 days prior to the event for a minor event, unless waived by the City Council. The application shall be on a form provided by the City and shall include, at a minimum.
 - (1) Dates and times of the event.
 - (2) Description of the event.
 - (3) Designated areas of public property to be affected.

- (4) Estimated number of people attending event.
- (5) Evidence of capability to run the event, including financial and personnel.
- (6) Evidence of liability insurance.
- (7) Plan for after function clean up.
- (8) Plan for dealing with traffic, parking, and crowd control.
- (9) Need for extra toilet facilities for the event.
- (10) List of proposed vendors, if any at the event.
- (11) Need for City services, utilities, etc., for the event.

§ 10-49. Criteria for issuance of special events permit. [Ord. of 4-5-2004]

- (a) In considering whether to issue a special events permit, the City Council shall consider.
 - (1) Whether the proposed special event is consistent with the goal of promoting use of public property for recreational, entertainment or charitable events.
 - (2) Whether the proposed special event can be conducted in the location proposed without endangering the public safety, disturbing the peace, ensuring public health and order of the public property by.
 - a. Has provided adequate parking and traffic control for the event.
 - b. Has provided adequate crowd control for the event.
 - c. Has adequate liability insurance.
 - d. Has made arrangements for clean-up of the property following the event.
 - e. Does not pose a burden on municipal services or utilities.
 - f. Does not have an undue adverse effect on neighboring properties due to noise, litter or other negative features.
 - g. Has adequate financial ability and staff to conduct the event satisfactorily.

§ 10-50. Application and permit fee. [Ord. of 4-5-2004]

Upon issuance of the special events permit by the City Council and prior to the conduct of the special event, the permit holder shall pay to the City Clerk, a nonrefundable application fee based on a fee schedule set by the City Council to be reviewed as needed. Upon review and approval of the special event permit application by the City Council, the applicant will then pay a special event permit fee based on a fee schedule set by the City Council to be reviewed as needed. The City Council may waive at will or reduce the permit fees for nonprofit charitable special events, or for special events which are sponsored or cosponsored by the City of Old Town.

§ 10-51. Penalties. [Ord. of 4-5-2004]

Any person who violates any provision of this article or who fails to comply with terms of a special events permit commits a civil violation and shall be subject to a penalty as defined in § 1-8 of the Old Town Code of Ordinances. Penalties may include monetary amounts for recovery of police services, trash removal or property damage of public property. Each day such violation continues or is repeated by the same person shall constitute a separate violation. All penalties collected hereunder shall tenure to the City of Old Town.

§ 10-52. Enforcement. [Ord. of 4-5-2004]

This article and the terms of a special events permit issued shall be enforced by any law enforcement officer, by any parks and recreation staff member or by any other designated City official duly authorized to enforce its provisions. The authority of parks and recreation staff members to enforce this article is limited to the park properties.

§ 10-53. Generally. [Ord. of 4-5-2004]

- (a) No rights created. This article grants no rights to and creates no property or other legal interests in any person. The City Council, as trustee of public property, retains full control over public property and may in its sole and exclusive discretion issue, issue with conditions or deny special events permits. Decisions of the City Council under this article shall be final, and this article provides no right of appeal.
- (b) City not liable. The holder of a special events permit shall be solely responsible for conducting the special event in compliance with the conditions of the permit and for maintaining public safety and order during the special event. The City of Old Town assumes no liability or responsibility by issuing the permit.
- (c) Conflict with other ordinances. This article shall not repeal, annul, or in any way impair or remove the necessity of compliance with any other statute, rule, ordinance, regulation, by-law, permit or other legal requirements. Where this article imposes a greater restriction upon the use of public property, the provisions of this article shall prevail.
- (d) Validity and severability. Should any section or provision of this article be declared by any court of competent jurisdiction to be invalid for any reason, such decision shall not invalidate any other section or provision of this article.
- (e) Exemptions. This article shall not apply to any event sponsored, organized or conducted by any department or agency of the City of Old Town. Scheduling of such municipal events shall be subject to the control of the parks and recreation department or its designees for events held on property maintained by the department of parks and recreation and to the control of the City Council or its designees for events held on any other public property.
- (f) Effective date. The effective date of this article is the date of its enactment by the City Council of Old Town.