

CHAPTER 312

PUBLIC PROPERTY LICENSING ORDINANCE

Town of Yarmouth, Maine

Recodified: 1/15/98

With draft amendments 7-10-23 for Block Parties and Special Community Events
7/18/23 1PM with KO edits

PUBLIC PROPERTY LICENSING ORDINANCE

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PUBLIC PROPERTY LICENSING ORDINANCE

ARTICLE I

A. TITLE

This ordinance shall be known as the Public Property Licensing Ordinance of the Town of Yarmouth, Maine.

B. PURPOSE

The purpose of this Ordinance are to control the use of public property in the Town of Yarmouth, and to assure the comfort, convenience, safety, health, and welfare of the citizens of the Town of Yarmouth, Maine and surrounding communities.

C. AUTHORITY

This Ordinance is enacted pursuant to 30 M.R.S.A. §1901-1920 and §2151.

D. DEFINITIONS

Block Party: A neighborhood event that is organized by or for residents of an individual block, street or neighborhood and intended for the collective enjoyment of residents living in the designated area and their guests. Block Parties may involve the temporary closure of a public way and are restricted to secondary or residential streets. Block Parties have reasonably anticipated and actual attendance of fewer than one hundred-fifty persons.

Community Street Event: A neighborhood or community event that is organized by or for residents of an individual block, street or neighborhood or by a non-profit, association, or governmental organization and intended for the collective participation of the public at large. Community Street Events may involve the temporary closure of a public way and/or restricted to secondary or residential streets. Community Street Events Parties have reasonably anticipated and actual attendance of fewer than five hundred persons.

Large Community Event: A neighborhood or community event that is organized by or for residents of an individual street or neighborhood or by a non-profit, association, or governmental organization and intended for the collective participation of the public at large. Community Street Events may involve the temporary closure of a public way and are generally restricted to secondary or residential streets, except by approval of the Town Council Large Community Events have anticipated and actual attendance of greater than three hundred persons.

Event Organizer: Person applying for the public property license.

Licensing Authority: The Town official or body responsible for issuing a license in the first instance to an Event Organizer. For block parties, the Licensing Authority is the Chief of Police. For Community Street Events, the Licensing Authority is the

Town Manager. For Large Community Events, the Licensing Authority is the Town Council.

PUBLIC PROPERTY: The word “**public property**” shall include but not be limited to parks, parking lots, sidewalks, streets, Municipal facilities and school facilities owned by the Town of Yarmouth or controlled by officials of the Town of Yarmouth.

PERSON: The word “**person**” shall mean an individual, corporation, partnership, association, or group of any kind.

ARTICLE II – Licenses Required

A. LICENSE REQUIRED

1. No person shall sponsor, promote or conduct a Large Community Event~~n~~ event which will utilize in whole or in part public property and which is intended to attract ~~500~~1,000 or more persons without first having obtained a license from the ~~relevant licensing authority~~Municipal Officers of the Town of Yarmouth. A person seeking a Large Community Event license shall file an application with the Municipal Officers and pay the review and license fee in accordance with Chapter 401 of the Yarmouth Town Code.
2. No person shall sponsor, promote or conduct a Community Street Event which will utilize in whole or in part public property and which is intended to attract 150-300 persons without first having obtained a license from the Town Manager. A person seeking a Community Street Event license shall file an application with the Town Manager and pay the review and license fee in accordance with Chapter 401 of the Yarmouth Town Code.
3. No person shall sponsor, promote or conduct a Block Party which will utilize in whole or in part public property and which is intended to attract up to 150 persons without first having obtained a license from the Police Chief of the Town of Yarmouth. . A person seeking a Block Party license shall file an application with the Chief of Police and pay the review and license fee in accordance with Chapter 401 of the Yarmouth Town Code.
4. Exempt: No license shall be required for the following:
 - a. Parades and Memorial Events commemorating State or Federal holidays
 - b. School sporting events, graduation ceremonies or similar events sponsored or coordinated by or through the Yarmouth School Department or North Yarmouth Academy
 - c. Concerts, performances, or events sponsored or coordinated by Yarmouth Community Services not occupying or requiring the closure of public roads.

d. Emergency operations, roadway, bridge, or utility construction maintenance, or law enforcement activity.

e. Licensing requirements established under this Section shall not apply to a demonstration or protest that is protected by the First Amendment to the US Constitution or by the Maine Constitution, nor is a permit required if the demonstration or protest is conducted so as to not interfere with the free and unobstructed passage of vehicular, pedestrian, or bicycle traffic. Otherwise a permit is required but no fee shall be imposed.

1. —

a. **LICENSE APPLICATION**

f. A person seeking a license shall file an application with the Municipal Officers.

1. The application for a Large Community Event shall be filed with the Municipal Officers not less than 60 days nor more than 1820 days before the date on which it is proposed to commence the event.

2. A person seeking a Community Street Event license shall file an application with the Town Manager not less than 40 days nor more than 80 days before the date on which it is proposed to commence the event.

3. A person seeking a Block Party license shall file an application with the Chief of Police not less than 28 days nor more than 60 days before the date on which it is proposed to commence the event, except that the Chief of Police may reduce the notice and application time for good cause.

g. —

a.b. **APPLICATION INFORMATION**

1. The application shall set forth the following information:

a. The name, address, and telephone number of the person applying for the license Event Organizer;

a.b. The commencing date and time of the license and the termination date and time of the license;

c. A location map indicating any areas of public property, including public roads or sidewalks to be licensed for closure and/or used for detours, if applicable and the intended use for the public property;

- d. The location and adequacy of any seating, bleachers, podium, restroom or portable toilet facilities, trash and recycling collection and disposal, vendor or performance staging, parking, or equipment areas,
 - e. Signage, barricades or security gates, traffic control devices, necessary and prudent for the event.
 - f. Communication plans for neighbors and travelers in advance of the event or any closure, including arrangements for local access by residents and businesses within the affected area; as well as for emergency vehicle access.
 - g. Communication and emergency action plans in the event of medical or public safety emergency during the event.
 - h. Provision for and training as may be necessary for protection of surface and groundwaters including stormwater runoff.
 - i. Consideration of an indemnification agreement and/or insurance coverage to protect the Town and public from any loss, claim, or damages arising out of the event.
 - j. A plan for clean-up and restoration of any public and private areas damaged or destroyed by persons, equipment, or events arising from the event.
 - k. A determination of whether any Town of Yarmouth personnel or resources shall be necessary or requested to protect public property and the public health, welfare and safety. And recommendation for contractual agreements to reimburse the Town for such services agreed upon or for any services provided by the Town due to the failure or neglect of the Event Organizer to meet all obligations. Town fees will be at cost which include actual labor rates plus 20%, and equipment fees based (to the extent available) on the most recent applicable rate schedules published by the Maine DOT.
 - ~~b. The location or locations of the public property sought to be licensed and the intended use for the public property.~~
2. The Licensing Authority~~Municipal Officers~~ may request any additional information which is deemed reasonably necessary for a fair determination of whether or not to issue the license;
3. There shall be paid at time of the filing the application for a license, a fee as provided in Chapter 401 ~~of \$100.00~~, to be used to defray the costs of processing this application and administering this Ordinance.

ARTICLE III

A. STANDARDS

1. The Licensing Authority ~~Municipal Officers~~ shall not issue the license with or without conditions unless they find the person requesting the license will:
 - a. Adequately arrange for matters related to public safety and public health including but not limited to police protection, traffic control, emergency and local traffic access, sanitation facilities, etc.;
 - b. Utilize the public property in a manner consistent with the license, not unreasonably interfere with the activities of others, and return the public property in the same or better condition than when received.
 - c. Unless otherwise specifically permitted in writing, no events, loud music, sounds, or gatherings or exterior lighting shall be allowed to continue past 10:00 PM nor begin prior to 7:00 AM.

2. In considering a License application, the Licensing Authority shall consider and apply reasonable judgement to protect the nearby residents and the general public health, welfare, and safety while allowing and supporting community and neighborhood gatherings, cultural and historic observations, crafts, arts, economic activity, community vitality, and freedom of speech and assembly. The Licensing Authority shall consider and may establish conditions of approval contingent upon findings and determinations guided by Appendix A to this Chapter and any recommendations or comments, received from the Chief of Police, Yarmouth Fire-Rescue Chief, Director of Public Works, Director of Yarmouth Community Services, and the Town Manager.

B. TRADITIONAL EVENTS

When considering an application, the Licensing Authority ~~Municipal officers~~ shall consider the scheduling in prior years of events s traditional to the Town of Yarmouth.

C. REFUSAL

The Licensing Authority ~~Municipal officers~~ shall act upon the completed application for a license within ~~1430~~ days after receipt of the application for Block Parties, or 28 days for Community Street Events, or 42 days for Large Community Events. the filing of the application. If the Licensing Authority Municipal Officers shall disapprove the application or approve it with the conditions, they shall mail to the applicant within five days of their action a notice stating the reasons for their action.

Any person aggrieved by a decision of the Chief of Police or the Town Manager may appeal such decision to the Town Council. The decision of the Chief of Police or the

Town Manager shall be sustained until and unless overturned or modified by the Town Council.

ARTICLE IV

A. LAWS, REGULATIONS, ORDINANCE

The person shall obtain any other licenses or permits required by the State of Maine or department of agency thereof, and the Town of Yarmouth; and shall comply with all laws, rules, regulations, and ordinances of the State of Maine or any department or agency thereof and the Town of Yarmouth.

B. CONDUCT OF EVENT

The person shall control the event in a manner which will not unreasonably interfere with activities of others. Such control is subject to the supervision and direction of the appropriate officials of the Town of Yarmouth.

C. EXCLUSIVE USE

The person may, within the terms of the license, restrict the use of the licensed premises to persons approved by and associated with the licensed person, subject to such conditions as may be imposed under the terms of the license pursuant to Article III A, above.

D. PUBLIC CONDUCT

No person shall unreasonably hamper, obstruct, impede, or interfere with any legally authorized licensee or with any person, approved by or associated with the licensee.

ARTICLE V

A. ADMINISTRATION

This ordinance shall be administered by the Municipal Officers. They may seek the advice of other Municipal Officials of the Town of Yarmouth and of State Officials.

B. BOND

The Municipal Officers may require a corporate surety bond from a company authorized to do business in the State of Maine or other security satisfactory to the Municipal Officers insuring that after the event is over the public property will be left in a clean and neat fashion, and damages to public and/or private property arising out of or in connection with the event will be paid promptly. The Municipal Officers may allow substitution of an insurance policy or cash escrow deposit satisfactory to them.

C. PENALTIES

Any person violating the provisions of this Ordinance shall have committed a civil violation and shall forfeit up to Four Hundred and Ninety Five Dollars (\$495.00) for

each violation. Each day a violation continues shall be treated as a separate violation.

D. SEVERABILITY

The invalidity of any portion of this Ordinance shall not invalidate any other part thereof.

APPENDIX A
Chapter 312 Public Property Licensing

All applications for Events that require temporary closure of a public street under Chapter 312 of the Yarmouth Town Code shall be immediately referred to Fire-Rescue Chief, Town Engineer, Director of Public Works, Community Services Director, and the Chief of Police for review and each shall report such findings and recommendations as they may have, if any, to the Licensing Authority as soon as practicable but no later than:

- Block Parties: Within 10 days of receipt of the application to the Chief of Police.
- Community Street Events: Within 21 days of the application to the Town Manager
- Large Community Events: Within 30 days of the application to the Town Council.

Chapter 401 (Fees and Permits)

Add a Section for Public Property Licensing Chapter 312

- Block Party Permit: \$25 per event. Each day shall be deemed a separate event.
- Community Street Event: \$50 per event. Each day shall be deemed a separate event.
- Large Community Event: \$500 per event.
- The fees established under this Section shall not apply to a demonstration of protest that is protected by the First Amendment to the US Constitution or by the Maine Constitution, nor is a permit required if the demonstration or protest is conducted so as to not interfere with the free and unobstructed passage of vehicular, pedestrian, or bicycle traffic.

The following table is for presentation purposes only and not part of the proposed Ordinance or Council action:

Description	# People	Impact on Public Ways/Property	Licensing Authority	Time for seeking license	Days for Complete Streets Advisory Committee to review and recommend	Days for Licensing Authority to decide
<u>Block Party</u>	<u>Up to 150</u>	<u>Temporary closure of residential street</u>	<u>Police Chief (appealable to Town Council)</u>	<u>28-60 days before event (licensing authority can reduce notice for good cause)note</u>	<u>10</u>	<u>14</u>
<u>Community Street Event</u>	<u>Up to 500</u>	<u>Temporary closure of residential or secondary street</u>	<u>Town Manager (appealable to Town Council)</u>	<u>40-80 days before event</u>	<u>21</u>	<u>28</u>
<u>Large Community Event</u>	<u>Over 500</u>	<u>Temporary closure of main public way and/or residential or secondary streets</u>	<u>Town Council</u>	<u>60-120 days before event</u>	<u>30</u>	<u>42</u>
<u>Demonstration or protest with road closure</u>	<u>Any</u>	<u>Temporary closure of a public way and/or residential or</u>	<u>Depends on license sought</u>	<u>May need to happen/be authorized more quickly for protest to be timely</u>		

		<u>secondary</u> <u>streets</u>		
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