

Special Event Regulations



Town of York, Maine

Date of Current Version: June 22, 2020

Date of Original Enactment: February 12, 2018

Prior Revisions:

February 11, 2019

February 12, 2018

ENACTMENT BY THE LEGISLATIVE BODY

Date of the vote to enact/amend these regulations: June 22, 2020

Certified by the Town Clerk:

Mary J. Indiano, Deputy
(signature)

on 6/24/20.
(date)

1. Purpose

The purpose of these regulations is to provide the Town with a mechanism for evaluating and regulating Special Events on public ways, Town Parks and Town-owned properties. This helps to ensure availability of municipal resources in order to properly manage the events, to minimize adverse impacts and to protect public safety.

2. Authorization

Pursuant to authorization granted by the voters of York to the Board of Selectmen (the Board) on November 4, 2014; the Board is hereby authorized to enact regulations to limit and control special events on public property. Before enacting new regulations or amending existing regulations, the Board shall post proposed amendments a minimum of 7 days in advance of the date of a public hearing and shall conduct a public hearing for the purpose of receiving testimony.

3. Definitions

Applicant – The person or organization that proposes, applies for and is responsible for a special event.

Special Event – A temporary use or activity that occurs on any Town street, Town Park or other Town-owned property that is outside the normal use of such, or that causes impacts beyond those associated with normal use. This includes but is not limited to parades, group walks, road races, fundraising walks, bicycle tours, motorcycle tours, craft fairs, festivals, sidewalk sales, block parties, swimming events, surfing events, fireworks, and bonfires.

Town – Town of York, including the York School District.

4. Applicability

The following activities shall be subject to the Special Event Regulations unless specified below:

- A. Any event held on Town-owned property that will involve 100 people or more for a duration longer than 2 hours;
- B. Any event that will occur within a street, public way and could affect the flow of traffic, people or access by emergency vehicles, or affect public parking; or
- C. Any event that will utilize Town-owned property, which requires a reservation or support services (i.e. police, fire or ambulance staff support).

*Exemption: Funeral processions, scheduled activities (sporting events, graduations, plays, or similar uses) held at school facilities, or scheduled sporting events with the York Parks and Recreation Department are exempt from special event permit requirements.

5. Scheduling

- A. All recurring Special Events for each calendar year shall submit a completed Special Event Permit Application on or before January 15 of that year; contingent on extenuating circumstances, recurring Special Event Permit Applications may be submitted after this date. A committee consisting of Town Departments – including, but not limited to Code Enforcement, Parks and Recreation, Police Department, Public Works, Village Fire Department, Beach Fire Department and York Water and Sewer Districts – will convene and review the submitted recurring Special Event Permit Applications by January 31 and will submit their recommendations for approval (with or without conditions) or denial to the Board of Selectmen by February 15.
- B. All Special Event permit applications shall be filed at least 45 days in advance of the proposed event. Non-recurring Special Events should not be scheduled more than six months in advance of the proposed event. Exceptions may be approved by the Town Manager.
- C. Priority will be given to the following organizations/groups:
 - 1. Recurring annual special events;
 - 2. Town sponsored events;
 - 3. York Public Library and York Utility Districts (Sewer/Water);
 - 4. Non-profit Community Organizations; and
 - 5. Private and Commercial Events unless they are recurring as specified above.

6. Review Process

- A. All Special Events requiring a permit shall fill out a Special Event Permit Application, which will be reviewed by Town departments and other interested parties as specified in the application.
- B. Special Event Permit applications shall be obtained from the Police Department. The Deputy Chief or their designee will serve as the point of contact through the application process.
- C. Any Special Event that may occur simultaneously or in close proximity to a recurring annual Town Sponsored Event (Christmas in July, Turkey Trot, Lighting of the Nubble, Festival of Lights, Memorial Day Parade, etc.) may require additional review by the Town Manager or their designee, and may be rejected.
- D. All Special Events that might have the potential to impact town services (police, fire, ambulance etc.) will submit a detailed operation and

management plan that addresses the following unless waived by the Board of Selectmen:

1. Traffic control and safety;
2. Parking management;
3. Solid waste collection and disposal;
4. Use and placement of sanitary facilities;
5. Fire management and emergency response;
6. Event set-up, material removal and clean-up operations;
7. Any other items related to Public Safety & Health as deemed appropriate by Police, Fire or Parks and Recreation Departments; and
8. Assessment of any costs incurred by the Town related to the utilization of municipal resources or the use of other support services (i.e. York Ambulance).

- E. A Special Event shall not take place until a Special Event application has been reviewed and approved by the Board of Selectmen and the applicant is officially notified by the Deputy Chief or their designee of permit approval.
- F. Following a coordinated review process, the Board of Selectmen may approve or deny a Special Event Application. If the Board of Selectmen denies a Special Event Application, the applicant may request a re-hearing. The Board shall only consider a re-hearing if new material information is included within the Special Event Application.

7. General Requirements

- A. As specified in the Special Event Ordinance, an application fee shall be submitted at the time of application for each special event requested. Note: the following groups are exempt from this requirement:
1. Town of York Sponsored Events;
 2. York Public Library and York Utility Districts; and
 3. Non-profit organizations with an address in York.
- B. All materials included in a Special Event permit application shall be binding upon the applicant and those who coordinate and operate the event. It shall be the responsibility of the applicant to provide all information herein to the entity responsible for operating and coordinating the event.
- C. Any Special Event that will impact the use of a public way/street shall be limited to no more than one event on the same weekend within a defined fire department service area (Currently two: York Beach and York Village Fire Department service areas). It shall be at the discretion of the York Police, York Beach and York Village Fire Departments for how to coordinate and assess a special event that impacts both service areas during an event.

- D. A Certificate of Insurance will be required for all Special Events, excluding events of the Town or local utility districts. The Certificate of Liability Insurance must state under Description of Operation: Town of York is an Additional Insured regarding the (must put in title of event) being held in York, Maine. One million dollars (\$1,000,000.00) will be considered the minimum amount of liability coverage acceptable to the Town.
- E. All Special Events shall comply with all applicable Town Ordinances including but not limited to noise, fireworks, parking, solid waste, etc.
- F. Any decorations or equipment used in association with the Special Event must comply with all current applicable Fire Codes. If there are any questions regarding this code, please contact the pertinent fire department serving the area where the event is taking place. The use of fireworks during a special event shall follow applicable town, state, and federal safety requirements and standards, and are subject to applicable conditions specified by designated municipal emergency response staff.
- G. It is the responsibility of the applicant to coordinate and arrange event set-up, material removal and clean-up operations. The applicant shall include the time/duration of Town-owned properties, Town Parks or public ways/streets that will be impacted by the event. This includes event set-up, material removal and clean-up operations. All activities (including the use of fireworks) associated with the Special Event shall be outlined in the Special Event Application and is subject to review by Town staff.
- H. The Special Event applicant must supply all necessary equipment for the safe and functional operation of the event. All equipment and materials associated with the Special Event (including refuse) must be removed at the end of the event, unless given prior written approval from the Town Manager or their designee. All requests must be made in writing and reviewed as part of the Special Event application process.
- I. A Special Event applicant may request and utilize for a set fee (\$), Town materials or equipment (other than motorized vehicles) as needed for the special event upon written approval from the department head whose equipment is being utilized (Fire, Police, Parks and Rec, DPW, etc.). The department heads and Board of Selectmen shall determine the appropriate fee for the use of Town materials or equipment as stipulated in the Special Event Application. Within 48 hours after the event it shall be the responsibility of the applicant to ensure any Town-owned materials or equipment utilized for a special event is returned to the proper department in the same condition it was upon acquisition. Upon written request Town materials or equipment fees may be waived in whole or in part by the Board of Selectmen prior to the special event.

- J. The Town will not store materials indefinitely and may dispose of any residual materials. Any equipment or materials left on premise after the event without prior approval may be assessed a storage/handling fee.
- K. Any entity representing itself as a non-profit organization shall produce evidence of non-profit status with the application.
- L. Failure to comply with the terms of a Special Event application approval or deviation from the approval without the consent of a designated Town official may prohibit the event and/or special event applicant from holding future events in the Town of York.
- M. A copy of the Special Event Application form and permit will be kept on file with the Town Managers Department and available for inspection to the public. The Special Event Applicant will be required to maintain a copy of the permit application, any approval and subsequent conditions.
- N. If municipal, or York Ambulance assistance is required as part of a special event (i.e. traffic coordinator, refuse pick-up, ambulance service standby, etc.), the Town or York Ambulance shall require payment in advance for such services, before the permit is issued unless waived by the Board of Selectmen.

8. Special Requirements

If required by municipal emergency personnel departments; any applicant seeking to conduct a Special Event that has the potential to impact municipal services may be required to organize and hold a “safety” meeting with municipal emergency personnel (fire, police, ambulance) and organizers of the event within seven (7) days of the scheduled event. The intent of this meeting is to ensure coordination between event organizers, staff and emergency personnel before, during and after the event. The applicant is responsible for initiating and scheduling this meeting.

9. Penalties

Whenever a special event is conducted without a Special Event Permit when one is required, or a special event is conducted in violation of the terms of an issued Special Event Permit, the applicant shall be responsible for all Town costs incurred and may not be approved for future special events in Town. The Town Manager shall invoice the special event applicant for Town personnel and equipment involved in any public safety response caused by, growing out of or necessitated by adverse impacts of the event or violation of the special event permit upon public safety. If the applicant fails to pay expenses incurred by the Town within thirty (30) days of receipt of the invoice then the Town shall utilize any legal means necessary to ensure payment.

10. Notice of Violation

Any applicant who violates any provision of this ordinance shall be subject to a civil penalty of \$100.00 for the first offense, \$150.00 for the second offense, and \$250.00 for the third and subsequent offenses.

11. Waiver/Payment of Fines

Any applicant charged with a violation of this section, shall be allowed to waive such violation and tender to the Town of York the fine amount if paid within 20 days of issuance of the summons. If the waiver fine is paid, no appearance before a District Court Judge or other judicial officer shall be required. If the offender pays the waiver fine, the matter will be closed in the York Police Records system and listed as a subsequent offense for future violations. If the offender chooses not to pay the waiver fine he/she shall appear in court on the specified date to answer for the ordinance violation. If the offender is found to have committed the offense in court; fines, applicable court fees, attorney's fees, and prosecution costs may apply.

12. Enforcement

These regulations and any conditions attached to a special event permit shall be enforced by the York Police Department.