

REVISED 9-2-14  
10-02-14

DRAFT COPY AMENDMENTS

Date: 08/11/14

To: Town Manager/Town Council

From: Codes Enforcement

Re: Mobile Vending Ordinance changes

The following changes to the MVO are as follows:

**Article III.** – Part F: Does not include 72 hour permits. to be inserted at the end of the paragraph.

**Article IV.** – Part A4: No copyrighted merchandise is to be sold unless vendor is properly licensed. to be inserted at end of paragraph.

Part G: All refuse must be separated and recycled by vendor. to be inserted after the third sentence.

**Article IX.** See attachment.

**Article X.** See Baileyville Zoning maps. to be inserted at end of last paragraph.

ALL FEES SET FORTH HEREIN SHALL BE DECIDED BY COUNCIL ANNUALLY.

## **ARTICLE IX. SPECIAL EVENT PERMIT ORDINANCE (addendum)**

### **Purpose**

The purpose of this Ordinance is to provide the Town of Baileyville with a mechanism for regulating the dates, times, location and conditions under which grantees are authorized to make use of Town Property for special recreational, entertainment, or charitable events and to help avoid conflicts in the public's use of Town property for private or organizational purposes.

### **Definitions**

*Special Event* shall mean any event, sponsored by an individual, corporation, partnership or other entity or organization intended for recreational, entertainment or charitable purposes, which requires use of Town Property in Baileyville, Maine.

1. Minor Event shall mean an event not exceeding four hours in duration and fewer than 100 people.
2. Major Event shall mean an event exceeding four hours in duration and/or more than 100 people affiliated with the event (community festival, carnival, street dance). Also, a major event will involve additional Town services such as Police protection, more than one vendor needing electrical usage, etc.

*Town Property* shall mean any land and buildings owned by the Town of Baileyville including but not limited to parks, streets, and empty lots.

### **Special Events Permit Required**

All special events shall require an application, which will be reviewed and interpreted as a Major or Minor event by the Codes Officer, Town Manager, Police Chief and other department managers. No person may conduct a special event on Town property without a Special Events Permit issued by the Baileyville Codes Officer pursuant to this Ordinance. The Codes Officer shall set a fee for this permit and may waive this fee (for any local not for profit organizations) if it is found to be in the best interest of the public or if the costs to the Town to allow the event are found to be minimal.

When granted, a Special Events Permit shall confer on the grantee the exclusive rights to use the building(s) and/or area(s) described in the permit, during the time and for the purposes described in the permit. During the time of a permitted Special Event, the building(s) and/or area(s) where the event is conducted shall be deemed closed to other public uses, except for emergency uses. The grantee shall have authorization to issue its own licenses and fees for participation by other vendors and/or organizations in the event. The Codes Officer may approve a blanket fee for the grantee to cover a specified amount of vendor licenses for the event. Any individual and/or organization operating as a vendor without the required license(s) shall be considered in violation of this ordinance and subject to the penalties herein.

### **Special Events Application**

Each Special Events Application shall be submitted to the Baileyville Codes Officer no earlier than 12 months prior to the proposed special event and no later than 30 days prior to the date of the minor event and 60 days prior to the date of a major event, unless waived by the

Codes Officer. The application shall be on the form provided by the Town and shall include at a minimum:

1. Dates and Times of the event
2. Description of the event
3. Designated areas of Town property to be affected.
4. Estimated number of people attending event.
5. Proof of liability insurance and ability to add the Town as an additional insured.
6. Plan for after function clean-up.
7. Plan for dealing with traffic, parking, and crowd control.
8. Need for sanitary facilities for the event.
9. Need for Town services, utilities, etc. for the event
10. Whether amplified sound will be used.
11. Such additional information as the Baileyville Town Council deems necessary for determination of compliance with this ordinance.
12. Proof of all State licenses and Permits.

#### **Criteria for issuance of Special Events Permit**

In considering whether to issue a Special Events Permit, the Code Officer shall consider whether the proposed special event is consistent with the goal of promoting use of Town Property for recreational, entertainment, or charitable events. This criterion shall not apply to demonstrations, protests, or other First Amendment activities. The Town reserves the right to establish blackout dates where Town Property will not be available for permitted events and may use this as a basis to deny a permit.

Some events may necessitate the need for Town services, including staff time, materials, equipment and other resources. The Town shall provide a good faith estimate to each applicant for the cost of these services and the applicant shall be responsible for these costs as a condition of the issuance of the permit. The Town Council may elect to waive this charge for any 501(c) non-profit organization where the expected cost will be \$500.00 or less and the Council deems the event is in the best interest of the community. The Council may waive up to half of this charge if the amount exceeds \$500.00.

For events at which the sponsoring individual or organization expects to make a profit, the Town shall require that any waived charges be reimbursed to the Town before the entity takes a profit. "*Profit*" shall be defined as the difference between all related event revenue less all related event expenses. "*Event revenue*" shall be defined as any money raised related to the event, including but not limited to admission fees, food, merchandise, goods sales or commissions, vendor participation fees, and cash sponsorships and donations. "*Event expenses*" shall be defined as actual cash costs incurred by an organization specific and exclusive to the event.

### **Penalties**

Any person who violates any provision of this Ordinance or who fails to comply with the terms of a Special Event Permit commits a civil violation and shall be subject to a penalty. ( See Article IV. )

### **General**

This Ordinance grants no rights to and creates no property or other legal interest in any person. The Town Council retains full control over Town Property and may at its

sole and exclusive discretion issue, issue with conditions or deny any and all Special Events Permits. Decisions of the Town Council shall be subject to appeal (see Section #7 of the BLUO)

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 event. The Town of Baileyville assumes no liability or responsibility by issuing the permit.

#### **Conflict with other Ordinances**

This Ordinance shall not repeal, annul, or in any way impair or remove the necessity of compliance with any other statute, rule, ordinance, regulation, by-law, policy, permit or other legal requirements. Where this Ordinance imposes a greater restriction upon the use of Town Property, the provisions of this Ordinance shall prevail.

#### **Validity and Severability**

See Article V.

#### **Exemptions**

This Ordinance shall not apply to any event sponsored, organized or conducted by any department or agency of the Town of Baileyville.

**SPECIAL EVENTS PERMIT APPLICATION**

Name of Event Organizer: \_\_\_\_\_

Contact Person: \_\_\_\_\_ 501 ( c ) Verification: Y / N (copy)

Address: \_\_\_\_\_

Email/Tel: \_\_\_\_\_ / \_\_\_\_ / \_\_\_\_

Date(s) of Event: \_\_\_\_\_

Time(s) of Event: \_\_\_\_\_ Street Closure: Y / N

Location of Event: \_\_\_\_\_ Amplified Sound: Y / N

Names/Addresses of all vendors and type of goods being sold by each (attach sheet).

Proof of Liability Insurance (with Baileyville as an additional carrier) Y / N

Town Services Needed: Y / N (explain) Estimated Cost to Town: \$ \_\_\_\_\_

Amount of money waived by Town of Baileyville. \$ \_\_\_\_\_

Cleanup Provided by Organizer: Y / N Need Sanitary Facilities: Y / N

Plan for traffic control, parking, crowd control: (Use additional sheet)

Cost per event is \$100.00 or \$5.00 per vendor/per day whichever is more.

Signature: \_\_\_\_\_ Event Contact Person

Signature: \_\_\_\_\_ Codes Officer

Signature: \_\_\_\_\_ Town Manager

Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_