

# TOWN OF KENNEBUNK

## SPECIAL EVENT POLICY

### 1. Purpose:

The purpose of this policy is to evaluate any Special Event to avoid and minimize impacts on the general health and welfare of the citizens of the Town of Kennebunk. The use of public ways and Town owned properties need to be properly scheduled to ensure availability of resources to properly manage the special event and minimize impacts to the general public.

### 2. Applicability:

The following activities shall be subject to the Special Event policy:

- A. Any event held on public property that will involve more than 100 people for a duration longer than 2 hours
- B. Any event that will occur within a public way or will affect the flow of traffic or access by emergency vehicles
- C. Any event that will utilize Town facilities (Edward Winston Auditorium, Dorothy Stevens Center, Waterhouse Center, etc.) and may require reservation or support services

### 3. Exemption from Permit Requirements:

Any event that is sponsored by a Town Department (Recreation, Police, Fire, etc.), Committee or group that has been reviewed and approved to operate Town facilities (athletic organizations) shall be exempt from obtaining a Special Event permit.

### 4. Scheduling:

- A. All Special Event permits applications should be filed at least 45 days in advance of the proposed event and in general, Special Events should not be scheduled more than six months in advance of the proposed event. Exceptions must be approved by the Town Manager.
- B. For any event that involves the use of a public way, Town park or facility, priority will be given to the following organizations/groups:
  1. Town Sponsored Events (including those in conjunction with Waterhouse Events)
  2. RSU #21, Kennebunk Free Library and Kennebunk Utility Districts
  3. Non-profit Community Organizations
  4. Private and Commercial Events

### 5. Review Process:

- A. All Special Events requiring a permit shall fill out a Special Event permit application which will be reviewed by Town departments (Police, Fire-Rescue, Code Enforcement, Recreation, and Administration)
- B. Permit applications should be obtained from the Recreation Department and they will serve as the point of contact through the application process
- C. Any Special Event that may occur simultaneously or in close proximity to an annually recurring Town Sponsored Event (May Day, Old Home Week, West Kennebunk Family Fun Day, Tree Lighting, Christmas Prelude, etc.) may require additional review by the respective sponsoring committee. Longer permit review may be necessary based on committee meeting schedules.

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D. Special Events that may utilize public ways, Town facilities or have the potential to impact Town services over multiple days may be subject to an enhanced review process that will include the following:

1. submission of a detailed operation and management plan that addresses such aspects as:

- a. traffic control plan
- b. parking management plan
- c. solid waste collection and disposal
- d. sanitary facilities
- e. community outreach (public meeting and abutter notification)
- f. any other items related to Public Safety & Health

2. assessment of any costs incurred by the Town related to the review of the application

3. approval by the Board of Selectmen

## 6. General Requirements:

A. A public way is defined in the Town of Kennebunk ordinance as “any public street, highway or sidewalk, any private/way public easement laid out or existing under Maine Law or under the control of any Town department or official.”

B. Town owned facilities shall include all facilities owned and maintained by the Town of Kennebunk available for public use exclusive of fee.

C. **A fee in the amount of \$25.00** shall be submitted with each Special Event Application. The fee will be refunded only if the Town does not approve the application.

Note: the following groups are exempt from this requirement:

1. Town Sponsored Events (including those in conjunction with Waterhouse Events)
2. RSU #21, Kennebunk Free Library and Kennebunk Utility Districts

D. All materials included in a Special Event permit application shall be binding upon the special event organizer and those who coordinate and operate the event. It shall be the responsibility of the Special Event permit applicant to provide all of this information to the entity responsible for operating and coordinating the event.

E. A Special Event permit shall not be issued until the application has been reviewed and approved by the appropriate Town Staff and the contact person has been notified.

F. Any Special Event that will impact the use of any public way shall be limited to no more than one event on the same weekend within the same area of Town. For the purpose of this policy the Town shall designate the three main areas as Downtown, Lower Village and West Kennebunk. In the event that it is not clear which area the event is located, the Special Event will be assigned to the nearest geographic that is likely to be impacted by the event activities.

G. The use of Town facilities for any Special Event should limit the impact to the residents.

H. Scheduling for the use of the Waterhouse Center will be handled through the Recreation Dept. (207-604-1335). A separate and additional application is necessary for the use of that facility.

I. **A Certificate of Insurance will be required for all Special Events, excluding events held by the Town. The Certificate of Liability Insurance must state under Description of Operation: Town of Kennebunk is an Additional Insured regarding the (must put in title of event) being held in Kennebunk, Maine. One million dollars (\$1,000,000.00) will be considered the minimum amount of liability coverage acceptable to the Town. Non-profit community organizations will be required to sign an agreement holding the Town harmless for liability resulting from the activity taking place on Town property. Governmental entities (i.e. RSU #21 and local Utility Districts) will be exempt from this requirement.**

## **TOWN OF KENNEBUNK SPECIAL EVENT POLICY**

- J. All Special Events shall comply with all applicable Town Ordinances in particular the following ordinances:
  - 1. Section 1 – Kennebunk Zoning Ordinance, Article 10 Performance Standards, Section 7 (Sign Permits)
  - 2. Section 2 – Ordinances Relating to Roadways, Rivers & Traffic
  - 3. Section 3 – Ordinances Relating to Public Safety and Health
- K. Any decorations or equipment used in association with the event must comply with all current applicable Fire Codes. All supplies/equipment must be flame retardant and stored per Fire Code. If there are any questions regarding this code, please contact the Fire Department (207-604-1340).
- L. It is the responsibility of the Special Event organizer to coordinate and arrange for all set up and tear down work. The duration of the event should include all time that the use of Town facilities or public way is impacted by the event, which includes set-up, removal and clean-up operations. All activities associated with the Special Event shall be outlined in the Special Event application and subject to review by Town Staff.
- M. The Special Event organizer 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 Recreation Department. All requests must be made in writing and reviewed as part of the Special Event application process.
- N. The Town will not store materials indefinitely and may dispose of any residual materials. Any equipment left on premise after the event without prior approval may be assessed a storage/handling fee which will be deducted from the deposit.
- O. There shall be no taping, stapling, nailing or hanging up of any posters, banners or these types of promotional activities on any utility poles, walls, posts, windows or doors unless approved by the entity of ownership in writing. Cost associated to repair any damage from these postings is the responsibility of the Special Event organizer and may be subject to any violation of legal statutes.
- P. 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 organizer from future events.
- Q. Any entity representing itself as a non-profit organization should be able to produce evidence of non-profit status upon request.
- R. Any special event application that is denied may appear before the Board of Selectmen to appeal this denial.
- S. A copy of the Special Event application form and permit will be kept on file with the Recreation Department and available for inspection to the public. The Special Event organizer will be required to maintain a copy of the permit application and any approval and subsequent conditions.
- T. Should any road closure or Town department assistance be noted through the application process, the Town will require payment in advance for services of Police, Fire and Public Services (Public Works) based on the Town's estimate, before the permit will be issued.

**APPROVED: 2016-02-09**

**AMENDED: 2016-05-24**

**TOWN OF KENNEBUNK  
SPECIAL EVENT POLICY**

**TOWN OF KENNEBUNK  
RELEASE AND INDEMNITY AGREEMENT**

In consideration of the permission given to the undersigned by the Town of Kennebunk, allowing use of Town Property for the following date(s) \_\_\_\_\_  
\_\_\_\_\_, \_\_\_\_\_ (name of organization/ renter), the undersigned, does forever release, discharge and covenant to hold harmless the Town of Kennebunk and any other person or agent of said Town charged or chargeable with responsibility or liability for the use of the Town Property, their heirs, administrators, executors, successors and assigns, from any and all claims, demands, damages, costs, expenses, loss of services, actions and causes of action, arising out of any act or occurrence up to the present time, and particularly on account of all personal injury, disability, property damage, loss or damages of any kind sustained or that may hereafter be sustained, in consequence of the use by \_\_\_\_\_(name of organization/ renter) of said Town Land on the date(s) above specified.

The undersigned agrees, as a further consideration and inducement for this release and indemnity agreement, that it shall apply to all known, all unknown and any and all unanticipated injuries and damages directly and indirectly resulting from the use of Town Land, as well as to those, which are presently foreseeable.

\_\_\_\_\_  
**Signature of Responsible Party**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Printed Name of Responsible Party**

\_\_\_\_\_  
**Address of Responsible Party**

\_\_\_\_\_  
**Phone Number of Responsible Party**