CHAPTER 312

PUBLIC PROPERTY LICENSING ORDINANCE

Town of Yarmouth, Maine
Recodified: 1/15/98
## 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
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

A. LICENSE REQUIRED
No person shall sponsor, promote or conduct an event which will utilize in whole or in part public property and which is intended to attract 1,000 or more persons without first having obtained a license from the Municipal Officers of the Town of Yarmouth.

B. LICENSE APPLICATION

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

2. The application shall be filed with the Municipal Officers not less than 60 days nor more than 120 days before the date on which it is proposed to commence the event.

C. 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;
b. The commencing date of the license and the termination date of the license;

c. The location or locations of the public property sought to be licensed and the intended use for the public property.

2. The 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 of $100.00, to be used to defray the costs of processing this application and administering this Ordinance.

ARTICLE III

A. STANDARDS

1. The 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, 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.

B. TRADITIONAL EVENTS

   When considering an application, the Municipal officers shall consider the scheduling in prior years of event traditional to the Town of Yarmouth.

C. REFUSAL

   The Municipal officers shall act upon the completed application for a license within 30 days after the filing of the application. If the Municipal Officers 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.

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.

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 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.