

**INDEMNIFICATION AND RELEASE PROVISIONS  
CITY OF BIDDEFORD SPECIAL EVENT PERMIT**

A. In consideration for being permitted to use the facilities and/or rights-of-way of the City of Biddeford, (hereinafter "City"), \_\_\_\_\_ (insert name of person/entity seeking permission to use facilities and/or right-of-way, hereinafter "Applicant") agrees to indemnify and hold harmless the City, its officers, employees, and insurers, from and against all liability, claims, and demands, which are incurred, made, or brought by any person or entity on account of damage, loss, or injury, including without limitation claims arising from property loss, or damage, bodily injury, personal injury, sickness, disease, death, or any other loss of any kind whatsoever, which arise out of or are in any manner connected with the use of the facilities and/or rights-of-way, whether any such liability, claims, and demands result from the act, omission, negligence, or other fault on the part of the City, its officers, or its employees, or from any other cause whatsoever.

B. By signing below, Applicant agrees that in the event of damage, loss or injury to the facilities or to any property or equipment therein or to the City rights-of-way, the City may deduct from any damage deposit the full amount of such damage, loss, or injury. Applicant further agrees that if such damage, loss, or injury exceeds the amount of the damage deposit, Applicant will promptly reimburse the City for all costs associated therewith upon billing by the City.

C. In addition, in consideration for being permitted or allowed to use the facilities and/or right-of-way, Applicant on behalf of itself and its officers, employees, members, and participants, hereby expressly exempts and releases the City, its officers, employees, insurers, from and against all liability, claims, and demands, on account of injury, loss, or damage, including without limitation claims arising from property loss or damage, bodily injury, personal injury, sickness, disease, or death, that Applicant may incur as a result of such use, whether any such liability claims and demands result from the act, omission, negligence, or other fault on the part of the City, its officer, or its employees, or from any other cause whatsoever.

D. In addition, \_\_\_\_\_ has furnished and attached two copies of certificates of insurance with the City of Biddeford named as an additional insured in the amount of \$400,000 unless a greater amount is warranted.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name of Applicant

**CITY OF BIDDEFORD  
SPECIAL EVENT APPLICATION**

**(Appendix A)**

City of Biddeford  
P.O. Box 586  
Biddeford, ME 04005

Name of Event \_\_\_\_\_ Location of Event \_\_\_\_\_

Start Time \_\_\_\_\_ Finish Time \_\_\_\_\_

Description of Event

Estimated # of Participants \_\_\_\_\_ Estimated Attendance \_\_\_\_\_

Type of Event:

- Festival/Fair
- Race/Walk/Bike Ride
- Concert
- Parade/March
- Other – Please clarify

If held in the past – Is this event changing this year? If so, how?

What impact will this have upon the surrounding neighborhood? (Noise, Traffic, etc.) Please explain:

Describe the means by which the neighborhood (residents and businesses) will be notified of this event and its public hearing:

**Organization Information**

Name of Organization

\_\_\_\_\_

Address

\_\_\_\_\_

Business Telephone \_\_\_\_\_ Fax \_\_\_\_\_ E-mail \_\_\_\_\_

**Contact Person/Event Coordinator**

Name & Address

\_\_\_\_\_

Telephone \_\_\_\_\_ Cellular \_\_\_\_\_ E-Mail \_\_\_\_\_

Relation to above organization

\_\_\_\_\_

**General Service Questions**

**Department of Public Works**

Is the use of barricades necessary/requested for this event? \_\_\_\_\_ If yes, number needed

\_\_\_\_\_

Will it be necessary to cover street and/or parking signs for this event? \_\_\_\_\_ If yes, please note on diagram.

What is your plan for cleanup and debris disposal for this event?

\_\_\_\_\_

Is any other Public Works assistance anticipated?

\_\_\_\_\_

**Parks and Recreation Department**

Will this event take place in a City Park or athletic field? \_\_\_ If yes, where

\_\_\_\_\_

Will tenting/staging be utilized for this event? \_\_\_\_\_ If yes, what is your plan to repair any damage caused by stakes, tie-downs, etc?

\_\_\_\_\_

Any Parks and Recreation assistance required?

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**Fire Department**

Will the Fire Department have access to all sites in the event of an emergency?

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Will any fire hydrants be obstructed? \_\_\_\_\_ Will you have access to E 9-1-1?

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Will you have First Aid or medical staff present? **Fire Department does provide this service but there is a fee associated with such a service. Please Contact the Biddeford Fire Dept. for more information 282-6632.** \_\_\_\_\_

**Police Department**

Is traffic control necessary for this event? \_\_\_\_\_ If yes, who will provide it?

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Is crowd control necessary for this event? \_\_\_\_\_ If yes, who will provide it?

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**Other**

All vendors *must* obtain proper licenses/permits from the City Clerk's office (284-9307).  
Indemnification agreement/insurance certificate must be attached to this application at the time of submission. Site Plan Sketch may be accompanied by a separate map, if necessary.

**SITE PLAN SKETCH OF SPECIAL EVENT (Completed by Event Coordinator)**

In the space below, please provide the following information. Attach a separate map if necessary.

General Map of Location  
Street Closures/Parking Information  
Garbage Cans  
Tents/Stages/Grandstands  
Loudspeakers

Vender Locations  
Event Coordinator's Booth  
Water/Electricity Sources  
Water Sources  
Rest Facilities



**Applicant's Statement of Agreement**

Everything I have stated on this agreement is correct to the best of my knowledge. This permit, if granted, is not transferable and is revocable at any time at the discretion of the City of Biddeford. I understand that the issuance of this permit is contingent upon compliance with any and all conditions imposed by the City of Biddeford or its officers.

Applicant Signature: \_\_\_\_\_ Date \_\_\_\_\_

**CITY OF BIDDEFORD (APPENDIX C)  
BLOCK PARTY PERMIT**

Name of Applicant \_\_\_\_\_

Address \_\_\_\_\_

Telephone # \_\_\_\_\_

Location of Block Party \_\_\_\_\_

Date of Block Party \_\_\_\_\_

Start Time \_\_\_\_\_ Finish Time \_\_\_\_\_

**Block Party Regulations**

Authorization to block off your street for a block party on the above date during the above stated time is contingent upon the following stipulations.

1. Although the street will be closed, provisions must be made for access by **EMERGENCY VEHICLES**. Barricades must be provided at the requesting party's expense. They must be of a temporary nature and easily removable in an emergency.
2. Block party must cease before dark, with all street obstructions and barricades removed.
3. Any debris or litter must be cleaned by the permit holder immediately following the event.
4. Music will be allowed but it must be maintained at a reasonable volume so as not to disturb nearby neighbors. Any complaint regarding noise of any type that is substantiated by the Police Department may cause this permit to be terminated without notice.
5. It is **ILLEGAL** in Maine to consume alcoholic beverages in public areas, which includes city streets and sidewalks. Any consumption of alcoholic beverages must take place on private property only.

On the following page, please attach or sketch a map showing the area to be blocked, the location of the barricades, and any other descriptive information pertinent to the issuance of this permit.

**PAGE 2 – BLOCK PARTY PERMIT**

Attach your map or sketch below.

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Police Chief

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Date

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Public Works Director

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Date

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Fire Chief

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Date

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Codes Enforcement

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Date



2011.26

IN BOARD OF CITY COUNCIL..APRIL 19, 2011

**BE IT ORDAINED**, by the City Council of the City of Biddeford that the Code of Ordinances, Chapter 6, AMUSEMENTS, be amended by adding **ARTICLE IV, Special Events**, to read as follows:

**Sec. 6-140. Policy.**

The City of Biddeford recognizes that the character of its community can be enhanced by events that bring its citizens together; provide opportunities for growth and recreation; and provide Biddeford with cultural and economic benefits. The City's policy is to encourage and allow events that meet this description while ensuring that the needs of those affected are adequately considered during the planning and approval process.

**Sec. 6-141. Purpose.**

This policy is to establish a standard for a street closure request; provide for the safety of special function participants and the general public; and to ensure that all entities, such as City agencies and the general public have been adequately notified in order to address any of their concerns. This policy is also to ensure that public input is considered prior to the closing of any public way to minimize any adverse impact upon the community.

**Sec. 6-142. Definitions.**

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Article, except where the context clearly indicates a different meaning.

*Block Party* means a neighborhood event that is organized by residents of an individual block, street or neighborhood; and intended for the collective enjoyment of residents living in the designated area. Block parties may involve the closure of a public way to general traffic for a limited period of time, and are restricted to areas that are predominantly residential in nature. Block parties shall not involve the closure of primary streets.

*Coordinating Committee* the following named individuals comprise the Coordinating Committee: Police Chief, Fire Chief, the Director of Codes Enforcement the Director of Public Works, and the Recreation Director.

*Event Coordinator* means the person making application to hold a block party or special event.

*Demonstration or Street Protest*, means an action by a mass group or collection of groups of people in favor of a political or other cause; it normally consists of walking in a mass formation, and either beginning with or meeting at a designated endpoint, or rally, to hear speakers.

*Primary Street*: means any U.S. or state numbered route; or other high-volume City Street deemed critical to the movement of a large number of motor vehicles. Included in Biddeford are Route 1, Route 9, Route 111 Route 208, Guinea Road, Hill Street, Granite Street, Jefferson Street, Lincoln Street, South Street, Main Street, and West Street.

*Special Event* means an event or function occurring within the City of Biddeford that is open to, or intended to attract the general public, and requires the closure of a public way, or any part thereof, for a period longer than two (2) hours. Large scale public events may involve or take place on a public way or in or on publicly held facilities. Depending on the location and time of the event, smaller scale events involving a brief or transitory closure of a public way, or any event that requires the full or partial closure of a street for a period of less than two (2) hours, e.g., a parade, shall be reviewed by the Police Chief, who may choose to refer it to the full Coordinating Committee for approval. Except for Route #1, a special event may involve the closure of primary streets within the City.

*Traffic Safety Officer* means a member of the Police Department assigned by the Chief of Police as the City's coordinator/contact person for block parties and/or special events held on or upon public streets.

#### **Sec. 6-143. Permit required for Special Events.**

Any person who desires to conduct or sponsor an event at a public park, public ground, or street of the city in which it could reasonably be assumed that twenty-five (25) or more persons might gather or participate shall first apply for and obtain a permit from the permitting authority as defined in Sec. 6-144.

#### **Sec. 6-144. Permitting authority; regulations.**

- 1) The Director of Parks and Recreation or his designee shall be the permitting authority for events held in any of the City's Parks listed in Chapter 46 of the Code of Ordinances, in which it could reasonably be assumed that twenty-five (25) or more persons might gather or participate.
- 2) The Chief of Police or his designee shall be the permitting authority for events in which it could reasonably be assumed that public streets, public right of ways would be blocked so as to prevent the free and unobstructed movement of vehicular or pedestrian traffic.
- 3) The City Council shall be the permitting authority for City of Biddeford Parks, Recreation, Public Buildings, Grounds and Streets for events in which it could reasonably be assumed that one thousand (1,000) or more persons might gather or participate; or any event which is proposed to last longer than two (2) consecutive days, regardless of the number of persons anticipated to gather or participate.

### **Sec. 6-145. Permit application.**

Any person, firm, corporation, business or organization seeking a permit to hold a Special Event within the City of Biddeford must file an (see Appendix A) with the permitting authority at least thirty (30) days prior to the beginning of the event; or in cases related to activities protected by the First Amendment to the United States or Maine Constitution, other than commercial speech, two (2) business days. Permit applications are available through download on the City's website or at the City Clerk's Office.

- 1) The application must include a site plan or a detailed map showing:
  - a) The location of the special event.
  - b) The location of any grandstand, stage, viewing area, restroom facilities, vendor's parking/assembly areas (if necessary) and any other equipment or material brought in for use during the special event.
  - c) A written description and the location of any traffic control devices, barricades, or other signage necessitated by the event.
- 2) The application must describe how the event coordinator will notify the residents and/or business in the area that could be affected by the special event. At the least, this shall include a public notification in a local newspaper, and a mass mailing to the residents and/or business in the area.
- 3) The application shall be accompanied by an indemnification agreement (Appendix B) which releases the City of Biddeford and its officers and employees from any liability arising from, or in connection with the special event; and a certificate of insurance with minimum liability coverage in the amount of \$400,000.
- 4) The applicant and/or organization is responsible for the full cleanup of the area immediately following the special event, and the applicant agrees to reimburse the City for costs to repair any City facility or property damaged during event, including during the time of set-up and tear down. The City shall invoice the applicant upon completion of the repairs with net 30 day terms. Only water-soluble, non-permanent markings or chalk may be used on City rights of way.
- 5) Depending upon the size and nature of the event, the City may require that City employees including Police, Fire, Public Works, Code Enforcement and/or Parks and Recreation are present at, or assist with the event. The City shall determine the number of personnel necessary to ensure the safety of the public and participants, and to minimize the inconvenience to residents, and to reduce public liability exposure to the event sponsor and the City. The cost associated with the use of any such personnel, including City equipment, is the responsibility of the event sponsor. The City shall invoice the applicant for the applicable fee with terms net 30 days. Fees may be waived in whole or in part by the City Council prior to the special event.
- 6) Upon receipt of a completed application, the Chief of Police will hold a meeting of the Coordinating Committee to discuss logistics for the special event. The meeting shall be scheduled at the earliest opportunity, but shall take into account the notification

requirement mandated by this policy, and shall allow sufficient time to permit the event coordination to advise the public of the special event, and of the Coordinating Committee meeting.

- 7) The Coordinating Committee shall review the application with the event coordinator to clarify the nature and circumstances of the event and may establish conditions under which the special event may be held. The purpose of the Coordinating Committee review shall be to determine whether the event can be conducted without any adverse impact upon public safety, or that the proposed event or activity shall not endanger the health and safety of all persons who visit the area to be impacted.
- 8) The Coordinating Committee shall consider the following factors prior to granting authority for a street closure under this policy:
  - a) The special event must enhance the cultural, recreational or economic potential for the City of Biddeford.
  - b) Adequate plans for the detouring of local traffic have been made by the event coordinators.
  - c) Reasonable access for business and residents working and living within the affected area has been provided.
  - d) Proper notification of persons living and residing within the affected areas has occurred.
  - e) Traffic flaggers are the responsibility of the event coordinator, and must be approved for use by the Committee, Safety training requirements, and age of the flaggers will be factor.

#### **Sec. 6-146. Exemptions.**

The following are exempted from the provisions of this policy:

- 1) A special event that is sponsored and already being coordinated by the City of Biddeford.
- 2) Athletic events regulated by the Recreation Department or School Department of the City.
- 3) Utility or maintenance work governed by other provisions of the City Ordinance.
- 4) The fees established by this policy shall not apply to activities protected by the First Amendment to the United States or Maine Constitution, other than commercial speech, if the permit for the activity allows the activity to use park space for eight (8) hours or less in one calendar day. The foregoing exemption shall not apply to an event or activity intended or scheduled to occur more than fourteen (14) cumulative hours in a period of seven (7) consecutive days during which its permit allows exclusive use of park space. For the purpose of this subparagraph an event or activity shall be considered to be using park space during the time in which a permit allows the event or activity exclusive use of the space, whether or not the activity is actually occurring during that entire time, and whether or not the applicant allows other uses to occur during that time. The City's determination of the need for exclusive use shall be final.

- 5) The fees established under this policy shall not apply to a demonstration or protest that is protected by the First Amendment to the United States or Maine Constitution, nor is a permit required if the demonstration is conducted so as not to interfere with the free and unobstructed passage of vehicular or pedestrian traffic. Otherwise, a permit is required but no fee shall be imposed.

#### **Sec. 6-147. Duties of the Permittee**

- 1) The permittee is responsible for designating a person who shall be in charge of the conduct of the event or activity, and who shall be on the park grounds while the event or activity is being conducted.
- 2) The permittee is responsible for keeping the park clean and free from debris.
- 3) Where structures are to be erected in the park, the permittee shall be responsible for complying with building code requirements including, but not limited to, the section of the building code dealing with temporary structures.
- 4) For events where more than two thousand (2,000) individuals are anticipated to gather or participate in the event or activity in the park, the permittee shall provide a bond in the form of cash, certified check or surety bond from a surety company qualified to do business in the State of Maine in an amount of not less than two thousand dollars (\$2,000.00). Such bond shall be utilized to guarantee cleanup of the area and shall be applied against claims by the city for excessive damage to real or personal property in the park.

Activities protected by the first amendment to the United States or Maine Constitution, other than commercial speech, are exempt from subparagraph (4) if the permit for the activity allows the activity to use park space for eight (8) hours or less in one calendar day.

The foregoing exemption shall not apply to an event or activity intended or scheduled to occur more than fourteen (14) cumulative hours in a period of seven (7) consecutive days during which its permit allows exclusive use of park space. For the purpose of this subparagraph an event or activity shall be considered to be using park space during the time in which a permit allows the exclusive use of the space, whether or not the event or activity is actually occurring during that entire time, and whether or not the applicant allows other uses to occur during that time.

#### **Sec. 6-147. APPEAL**

Any person firm or organization who has been denied a Special Event permit, may appeal to the City Manager for reconsideration.

**Policy Committee Meeting April 11, 2011**

*Motion by councilor Bourque and seconded by member Rhames to approve the Order as written, and to submit this Order to the city council with a recommendation for approval. Vote unanimous.*

**April 19, 2011**

Motion by Councilor Laverriere, seconded by Councilor Mills to grant the first reading of the order.

Vote: Unanimous.

Motion by Councilor Mills, seconded by Councilor G. Lamontagne to suspend the rules to allow for a second reading and the emergency passage of this ordinance due to pending applications for public events/gatherings.

Vote: Unanimous.

Motion by Councilor Laverriere, seconded by Councilor G. Lamontagne to grant the second reading of the order.

Vote: Unanimous.

Attest by: \_\_\_\_\_  
**Carmen J. Morris, City Clerk**