

**Section I. - Statement of Purpose**

This policy is to establish a standard for a public way closure request; provide for the safety of special function participants and the general public; and to ensure that all entities, such as Town of Berwick 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.

**Section II. - Definitions.**

The following words, terms and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this Ordinance, 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 roadways. *(See Appendix C for rules)*

***Review Committee*** - the following named individuals comprise the Review Committee: Town Manager, Police Chief, Fire Chief and the Highway Foreman and Recreation Director.

***Event Coordinator*** - means an individual or entity making application to hold a special event or block party.

***Demonstration or Street Protest*** - means an action by a mass group or collection of groups of people in support of or disapproval of a particular political issue 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 Roadway*** - means any State numbered route; or other high-volume Town road or street deemed critical to the movement of a large number of motor vehicles. Included in Berwick are Route 9, Route 236, Route 4, Hubbard Road, Rochester Street, Little River Road, Long Swamp Road, Pine Hill Road, Sullivan Street, Wilson Street, Allen Street and School Street.

***Special Event*** - means an event or function occurring within the Town of Berwick 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 one (1) hour. 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 one (1) hour, e.g., a special parade, shall be reviewed by the Police Chief who, may or may not, refer it to the full Review Committee for approval. *(This language might cover funeral processions and sporting events.)*

*For example, buses returning with State championship teams often like to have an impromptu parade that effects local traffic. A clause of this nature might be appropriate in order to allow some events to take place that would have very limited impact on the community without requiring a complete permit. Maybe the entire process should start with the Police Department first reviewing the application and making a determination on a whether full review is actually necessary? I do not want to burden other departments with something that we can handle. Your thoughts?)*

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

### **Section III. – Requirements for approval**

Any person, firm, corporation, business or organization seeking approval to hold a Special Event that requires partial or complete road closure within the Town of Berwick must file a Special Event Application (*see Appendix A*) with the Town Manager at least thirty (30) days prior to the beginning of the event, if allowed by applicable law. The Town Manager may in his or her discretion make an exception for good cause shown to this rule. Applications should include relevant information including the purpose of the event, the place, the anticipated number of people to attend, the length of time and the space necessary. More specifically:

- 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.
  - d) If necessary, approved traffic control personnel (I.e., Berwick Police Officer(s) or certified flaggers).
- 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.
- 3) The application shall be accompanied by an indemnification agreement (Appendix B) which releases the Town of Berwick 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 appropriate to the event based on the assessment of the Town's insurance carrier.
- 4) The applicant and/or organization is responsible for the full cleanup of the area immediately following the special event, and the agree to reimburse the Town directly or through insurance for costs to repair any Town facility or property damaged during event, including during the time of set-up and tear down. The Town 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 Town rights of way.

- 5) Depending upon the size and nature of the event, the Town may require that Town employees including Police, Fire, Highway and Recreation are present at, or assist with the event. The Town 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 Town. The cost associated with the use of any such personnel, including Town equipment, is the responsibility of the event sponsor. The Town shall invoice the applicant for the applicable fee with terms net 30 days. *Fees may be waived in whole or in part by the Board of Selectmen for non-profit or charitable or community events prior to the special event.*
- 6) Copies of the completed application will be distributed to the Review Committee members. If there are no concerns with the application, each Review Committee member (or a designee) must indicate that they have reviewed the application by affixing their signature in person or electronically. Concerns shall be documented in writing at the time of the Review Committee members review.
- 7) If concerns are brought forward by any of the Review Committee members it may require a meeting with the Event Coordinator in order to clarify the nature and circumstances of the event. At the time of the meeting, the Review Committee may establish conditions under which the special event should be held. The purpose of the 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, or traverse, the area to be impacted. This meeting shall be scheduled at the earliest opportunity, but shall take into account the notification requirement mandated by this policy. Any recommendations shall be approved by the Board of Selectmen prior to implementation.
- 8) The Review Committee shall consider the following factors prior to recommending the granting of approval for a street closure to the Board of Selectmen under this policy:
  - a) Adequate plans for the detouring of local traffic must be made by the event coordinators.
  - b) Reasonable access for business and residents working and living within the affected area must be provided.
  - c) Proper notification of persons living and residing within the affected areas must occur.

#### **Section IV. - Exemptions.**

The following are exempted from the provisions of this policy:

- 1) A special event that is sponsored and already being coordinated by the Town of Berwick or the American Legion Charles S. Hatch Post #79.
- 2) Athletic events regulated by the Recreation Department or the School District.

- 3) Utility or maintenance work governed by other provisions of the Town Ordinance or Maine State Statutes.
- 4) The fees established by this policy shall not apply to activities protected by the United States or Maine Constitutions or other applicable law.
- 5) The fees established under this policy shall not apply to approvals 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.

#### **Section V. - 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 at the location of the event while the event is being conducted.
- 2) The permittee is responsible for keeping the Town property, roadway and area of the approved event, free from debris.
- 4) For events where more than two hundred (200) individuals are anticipated to gather or participate in the event or activity, 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 hundred dollars (\$200). Such bond shall be utilized to guarantee cleanup of the area and shall be applied against claims by the Town for excessive damage to real or personal property owned by the Town.

#### **Section VI. – Fee**

The fee for the Special Event/Public Way Closure shall be one hundred dollars (\$100.00). The fee shall be paid at the time that the application is submitted to the Town of Berwick.

*(Appendix A)*  
**TOWN OF BERWICK**  
**SPECIAL EVENT APPLICATION**

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

Location of Event: \_\_\_\_\_

Start Time: \_\_\_\_\_

Finish Time: \_\_\_\_\_

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Description of Event

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\_\_\_\_\_

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Estimated number of event participants \_\_\_\_\_

Estimated number that will be 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:

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

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**Special Event Sponsoring Organization Information**

Name of Organization \_\_\_\_\_

Address \_\_\_\_\_

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

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**Contact Person/Event Coordinator**

Name \_\_\_\_\_

Address \_\_\_\_\_

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

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**Town Services - Requirements** *(To be completed by applicant)*

**Berwick Highway Department**

Is the use of barricades necessary/requested for this event? Yes / No

If yes, number needed \_\_\_\_\_

Will it be necessary to cover street and/or parking signs for this event? Yes / No

If yes, please note on diagram.

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

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Is any other Highway Department assistance anticipated?

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**Berwick Recreation Department**

Will this event take place in a Town Park or athletic field? Yes / No

If yes, where

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Will tenting/staging be utilized for this event? Yes / No

If yes, what is your plan to repair any damage caused by stakes, tie-downs, etc?

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Any Parks and Recreation assistance required? Yes / No

If yes, explain

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**Berwick Fire Department**

Will the Fire Department have access to all sites in the event of an emergency? Yes / No

If **NO** explain,

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Will any fire hydrants be obstructed? Yes / No

If **YES** explain,

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Will you have First Aid or medical staff present? Yes / No

If **YES**, please provide their name(s) and contact numbers

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**Berwick Police Department**

Is traffic control necessary for this event? Yes / No

If **YES**, who will provide it?

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Is crowd control necessary for this event? Yes / No

If **YES**, who will provide it?

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**Other**

All vendors *must* obtain proper licenses/permits in accordance with the *Town of Berwick Ordinance to License Temporary Street Vending and Mobile Eating Places* from the Town Clerk's office (698-1101). Indemnification agreement/insurance certificate must be attached to this application at the time of submission.

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

In the space below, please provide the following information: General Map of Location, Vendor Locations, Street Closures/Parking Information, Garbage Cans, Water/Electrical Sources, Tents/Stages/Grandstands, Water Sources, Rest Facilities and any other pertinent information.  
*(Attach a separate map if necessary)*



**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 Town of Berwick. I understand that the issuance of this permit is contingent upon compliance with any and all conditions imposed by the Town of Berwick or its officers. This permit is only valid for the event, dates and times clearly indicated in this application. It is not transferrable.

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

*(Appendix B)*  
**INDEMNIFICATION AND RELEASE PROVISIONS**  
**TOWN OF BERWICK SPECIAL EVENT PERMIT**

A. In consideration for being permitted to use the facilities and/or rights-of-way of the Town of Berwick, (hereinafter “Town”), \_\_\_\_\_  
(insert name of person/entity seeking permission to use facilities and/or right-of-way, hereinafter “Applicant”) agrees to indemnify and hold harmless the Town, 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 Town, 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 Town rights-of-way, the Town 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 Town for all costs associated therewith upon billing by the Town.

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 Town, 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 Town, 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 Town of Berwick named as an additional insured in the amount of \_\_\_\_\_.

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

\_\_\_\_\_  
Date

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

*(Appendix C)*  
**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 Town streets and sidewalks. Any consumption of alcoholic beverages must take place on private property only.
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Review Committee Sign-off Sheet  
(To be completed by Department Heads)

Police Department

\_\_\_\_\_  
Signature - Date

Not applicable / Approved / Approved w/conditions / Denied  
(Please explain below)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Fire Department

\_\_\_\_\_  
Signature – Date

Not applicable / Approved / Approved w/conditions / Denied  
(Please explain below)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Highway Department

\_\_\_\_\_  
Signature – Date

Not applicable / Approved / Approved w/conditions / Denied  
(Please explain below)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Recreation Department

\_\_\_\_\_  
Signature – Date

Not applicable / Approved / Approved w/conditions / Denied  
(Please explain below)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Town Manager

\_\_\_\_\_  
Signature – Date

Not applicable / Approved / Approved w/conditions / Denied  
(Please explain below)

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