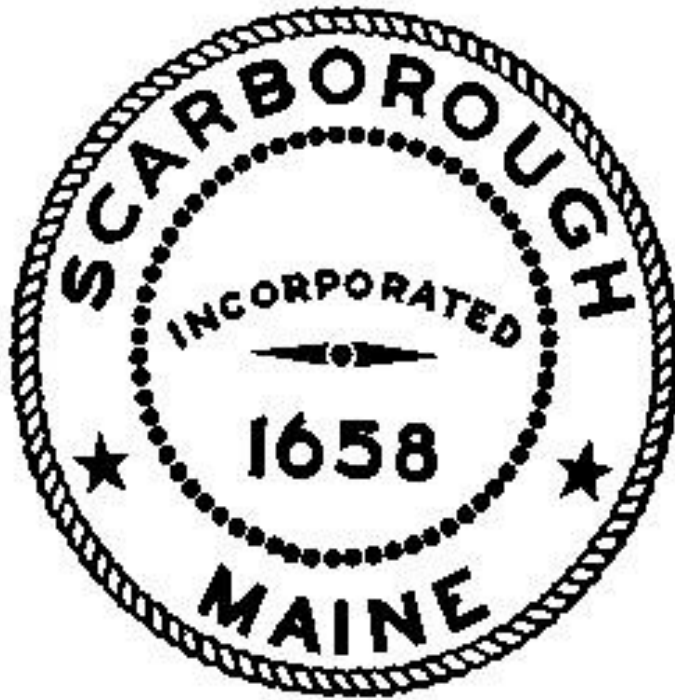


**Chapter 602B
Town of Scarborough
Temporary Event Overflow
Parking Ordinance**



Adopted 11/15/2023

TABLE OF CONTENTS

ARTICLE I – TITLE AUTHORITY AND PURPOSE.....	1
A. TITLE.....	1
B. LEGAL AUTHORITY.....	1
C. PURPOSE.....	1
D. PROHIBITIONS.....	1
E. DEFINITIONS.....	1
F. PERMIT APPLICATION PROCESS.....	2
G. PERMIT APPLICATION REQUIREMENTS.....	4
H. PERMIT FEES.....	5
I. BOND AND INSURANCE.....	5
J. PENALTIES.....	6
K. REVOCATION.....	6
L. SEVERABILITY.....	6
M. EFFECTIVE DATE.....	6

Chapter 602B
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ARTICLE I - TITLE, AUTHORITY, AND PURPOSE

A. TITLE

This Ordinance shall be known as and may be cited as the Temporary Event Overflow Parking Ordinance of the Town of Scarborough, Maine.

B. LEGAL AUTHORITY

This Ordinance is adopted pursuant to the home rule powers as provided for in VIII-A of the Maine Constitution and 30-A M.R.S.A. §3001.

C. PURPOSE

To allow for temporary event overflow parking. Accordingly, it is deemed necessary in the interests of public welfare to regulate the provision of temporary event overflow parking in order to protect the public health and safety.

Temporary event overflow parking areas used for special event parking (to accommodate occasional or seasonal overflow volumes) may be used with pervious ground cover where such cover can sustain the traffic and use volumes. The owner of the property shall be responsible for the maintenance of such parking in a clean, mud and dust-free condition. Grass and mulch are examples of pervious ground cover; gravel and pavement are examples of impervious surfaces.

D. PROHIBITIONS

No person shall permit on her/his property, temporary event overflow parking until a permit has been obtained from the Town Council.

E. DEFINITIONS

Any term not specifically defined herein shall be given its customary and ordinary meaning. For the purpose of this Ordinance, the following terms shall be defined as hereinafter set forth:

Disturbed Area:

Means all land areas of a Parcel that are stripped, graded, grubbed, filled, or excavated at any time during the Site preparation or removing vegetation for, or construction of, a project. Cutting of trees, without grubbing, stump removal, disturbance, or exposure of soil is not considered Disturbed Area. Disturbed Area does not include routine maintenance but does include redevelopment and new Impervious Areas. "Routine maintenance" is maintenance performed to maintain the original line and grade, hydraulic capacity, and original purpose of the facility. Paving impervious gravel surfaces provided that an applicant or permittee can prove the original line and grade and hydraulic capacity shall be maintained and original purpose of the gravel surface remains the same is considered routine maintenance. Replacement of a building is not considered routine maintenance of the building and is therefore considered Disturbed Area.

Operator:

“Operator” means the person responsible for the managing of the event for which the overflow parking area is requested. In the event that no Operator exists, the owner or, in the event of her/his non-availability, the lessee of the ground encompassing the event area, shall be deemed to be the Operator under these regulations.

Temporary Event Overflow Parking:

Temporary Event Overflow Parking areas shall be defined as off-street parking areas where the Operator of an event may temporarily provide parking for vehicles for a limited period of time. Temporary Event Overflow Parking areas shall not be used more than thirty (30) days per calendar year. Temporary Event Overflow Parking areas are not permitted greater than 40,000 square feet in size and may not contain more than 115 spaces, nor may any single event location utilize more than one Temporary Event Overflow Parking area. Applicants seeking to use this exception for site design shall provide information in the form of a signed, notarized letter stating the number of times per year that the overflow parking areas will be used. Number of uses per year shall be noted as part of the permit application.

F. PERMIT APPLICATION PROCESS

1. New Applications

New applicants may apply at any time during the year. Applications for a permit shall be procured from the Town Clerk, completed and signed by the applicant and filed with the Town Clerk, and when submitted to the Town Council shall bear the recommendation for approval or disapproval with reasons noted by the Town Engineer, Public Works Director, Planning Director, Police Chief, Fire Chief and the Tax Collector.

2. Staff Review

Upon the filing of an application, Town staff shall review the application and notify the applicant by letter issued no later than fifteen (15) business days after the filing of the application as to whether the application is deemed complete, or if not, the specific provisions of this Ordinance for which additional information must be provided.

Upon receipt of each application request for a Temporary Event Overflow Parking License the following shall occur:

- (a) The Town Engineer, or designee, shall review the permit application submittal and narrative and shall report findings and any proposed conditions of approval in writing to the Town Clerk; and,
- (b) The Public Works Director, or designee, shall review the permit application submittal and narrative and shall report findings and any proposed conditions of approval in writing to the Town Clerk; and,
- (c) The Planning Director, or designee, shall review the permit application submittal and narrative and shall report findings and any proposed conditions of approval in writing to the Town Clerk; and,
- (d) The Police Chief, or designee, shall review the permit application submittal and narrative and shall report findings and any proposed conditions of approval in writing to the Town Clerk; and,
- (e) The Fire Chief, or designee, shall review the permit application submittal and narrative and shall report findings and any proposed conditions of approval in writing to the Town Clerk; and,

- (f) The Tax Assessor shall submit a report to the Town Clerk on any delinquencies or payments due the Town at the time the license is requested or renewed; and,
- (g) The Town Clerk shall review the application and other documents and determine whether such documents comply with all of the requirements of this ordinance and shall report such findings in writing to the Town Council.

If the applicant objects to the determination that its application is not complete, then the completeness of the application may be reviewed by the Town Council at its next regularly scheduled meeting for which adequate time for notice is available. Once the application has been deemed complete either by Town staff or by the Town Council, the application shall be considered as an agenda item at the next regularly scheduled Town Council meeting for which adequate time for notice is available.

3. Public Hearing

The Town Council shall hold a public hearing on all new applications for permit under this Ordinance. Notice of the hearing shall be advertised in a local daily newspaper, at least seven (7) days prior to the meeting at the expense of the applicant. Abutters within 500' to the proposed site shall be notified in writing 10 days prior to the public hearing.

4. Town Council Action and Notification

Within thirty (30) days after the Town Council first substantively considers the application (or longer with the agreement of the Operator) the Town Council shall either issue a Permit, with or without conditions, to the Operator or deny a Permit to the Operator. Any decision of the Town Council shall be in writing and shall set forth with specificity the reasons for the action taken, and in the case of denial, shall include a list of steps which, if followed by the Operator, would result in a Permit being issued, if in the judgement of the Council, the problems that resulted in denial can be cured.

The Town Council shall issue a permit for temporary event overflow parking only if it finds the standards in this Ordinance are met and the applicant demonstrates that the temporary event overflow parking will be conducted in a manner so as not to jeopardize the public health, safety and welfare and that the applicant is not delinquent in the payment of any taxes or fees owed to the Town of Scarborough. When considering the issuance of a permit, the Town Council may seek input from the Town Engineer, Public Works Director, Planning Director, Police Chief, Fire Chief, and other such officials or persons as it deems appropriate, and shall seek from them relevant information, including but not limited to any safety problems that arose at any event overflow parking areas within the previous two years (a) held at the same location or (b) managed or promoted by the operator or a related entity.

A new permit, when granted, shall be valid until December 30th, immediately following said granting of permit.

The Town Council shall deny a permit for event overflow parking if it finds that any of the standards set forth in this Ordinance are or would not be met. If the Town Council fails to either issue the permit or send a notice of denial within the time allowed, the permit shall be deemed to have been denied. A party aggrieved by the decision of the Town Council may appeal to the Superior Court pursuant to Rule 80B of the Maine Rules of Civil Procedure.

5. Renewal Permits

Once granted, an existing permit may be renewed by the Town Clerk, provided that the holder of the existing permit makes application for renewal on or before December 30th. If the holder applies for renewal on or before December 30th, the existing permit shall remain in effect until final action on the renewal application. Otherwise, the existing permit shall expire on December 30th and an application for a new permit must be filed.

For renewal applications filed on or before December 30th, the Clerk shall process and issue renewal permits in the same manner as the Town Council processes and issues new permits, except that no public hearing is required for a renewal. The Clerk may renew a permit only if the Clerk is satisfied that the application meets all the requirements of this ordinance. If the Clerk is not satisfied that the application meets all the requirements of this ordinance, the Clerk shall refer the application to the Town Council, which shall process the application in the same manner as an application for a new permit.

PERMIT APPLICATION REQUIREMENTS

The permit application shall include the following:

1. An existing conditions plan, including curb cuts, utilities, trees, plantings, drainage features, wetlands and other site features.
2. A narrative and site plan describing the proposed event and temporary event parking area, including the location of proposed parking spaces and any proposed site changes and demonstrating how the proposal meets the requirements below:
 - a) The maximum size for proposed event overflow parking areas, including any disturbed area, shall not exceed 40,000 square feet, and any single event location may utilize no more than one Temporary Event Overflow Parking area.
 - b) The maximum number of days used shall be 30 per calendar year. The applicant is responsible for including the proposed days the parking area will be used.
 - c) The maximum number of vehicles parked shall not exceed 115 vehicles.
 - d) The proposed parking area shall not encroach on public rights-of-ways.
 - e) Any temporary structure shall comply with the rules and policies of the Town. Grounds, buildings, and related facilities shall be constructed, maintained and used in a manner as to prevent fire and in accordance with the applicable State and local fire prevention regulations.
 - f) Temporary Event Overflow Parking areas may only be used between the hours of 9am and 9pm Sunday to Thursday and 9am to 10pm Friday and Saturday. The proposed time of use is required as part of the application.
 - g) If the parking area is to be used at night, provide a lighting plan including temporary illumination to provide for the safety of the persons parking. The parking area shall be adequately lighted, but the lighting shall not unreasonably reflect beyond the parking boundaries.
 - h) Service road(s) and parking spaces shall be located and developed to permit convenient and safe movement of vehicular and pedestrian traffic and free passage of emergency vehicles.
 - i) The proposed parking area shall not impede fire and emergency access nor block fire lanes.
 - j) Each temporary event parking area shall be well drained and so arranged to provide sufficient space for vehicles.
 - k) Trees, underbrush, large rocks and other natural features shall be left intact and undisturbed whenever possible, and natural vegetative cover will be retained, protected and maintained so far as possible to facilitate stormwater drainage, prevent erosion, and preserve scenic attributes.
 - l) Overflow parking areas shall not impact the natural drainage patterns on the site. The applicant must demonstrate that the use will not have an adverse impact on drainage patterns from or to an abutting property or public right-of-way.
 - m) The parking area shall be designed and maintained to prevent soil or debris from being tracked onto a public street and to prevent dust trespass onto neighboring properties. Exiting for overflow parking areas shall be arranged such that the vehicles must pass over an apron of crushed stone, asphalt or other approved surface to allow any mud to track off prior to vehicle entry onto a public street.

- n) Dust control shall be applied as necessary to prevent dust trespass onto adjoining properties. Planned measures must be provided on the proposed plans.
 - o) The Operator shall ensure that adequate communication between local law enforcement, fire prevention, and emergency personnel and any private security personnel, including emergency response protocols is provided.
 - p) Grounds shall be maintained free from accumulations of refuse and any health and safety hazards constituting a nuisance. The area where vehicles are parked shall have one (1) fifty (50) gallon refuse container or its equivalent for every twenty-five (25) vehicles and an appropriate number of recycling containers.
 - q) All refuse shall be collected from the parking area at least once per day of use, or more often if necessary, and disposed of at a lawful disposal site. The Operator may submit a detailed alternative plan for refuse disposal to be reviewed and, if reasonable and appropriate, approved by the Town Council.
3. Provide a pedestrian access plan to demonstrate safe access for the ingress and egress of pedestrians from the overflow parking lot to the event location. This plan may include temporary signage and/or permanent improvements.
 4. Provide a vehicular access plan to demonstrate vehicle movement for the ingress and egress of vehicles from the overflow parking lot and the event location, and the proposed traffic measures that may be necessary. The plan may include temporary signage and/or permanent improvements.
 5. Provide a traffic control plan/and or identify personnel required to insure safety to all members of the traveling public, including pedestrians, along all public roadways in the proximity of the event and/or along which the public is likely to travel to reach the event shall be provided.
 6. Provide an Operation & Maintenance Plan detailing the measures that will be taken during and after the event to stabilize, revegetate, aerate, and repair the parking area or related access ways.

Information submitted by the applicant is to be reviewed by the Town Engineer, Public Works Director, Planning Director, Police Chief, and Fire Chief to determine whether these standards have been demonstrated. Additional materials may be required to ensure compliance with the standards of this ordinance.

Temporary Event Overflow Parking permits are subject to conditions of approval that may be required for any of the above based on the specific site and request.

G. PERMIT FEES.

Fees for this Ordinance shall be set forth as specified in Chapter 311, *Schedule of License, Permit and Application fees*.

H. BOND AND INSURANCE.

The Operator shall carry public liability insurance in at least the following amounts: \$1,000,000 Bodily Injury (per person); \$1,000,000 Bodily Injury (per occurrence); and \$1,000,000 property damage. A copy of the insurance policy shall be provided to the Town at the time of the filing of the application. Additionally, if the Operator carries public liability insurance in an amount greater than the figures set forth in this Section, then the Town shall be named as an additional insured.

I. PENALTIES.

Any person, including the Operator, violating this Ordinance shall be punished by a civil penalty of at least \$500.00 but not more than \$1,000.00. The failure to comply with conditions imposed upon the issuance of a temporary event overlay parking permit shall be a violation of this Ordinance. Each violation shall be considered a separate offense, and each day a violation is allowed to exist shall be considered a separate offense. The civil penalty provided for in this Section 602B shall be in addition to any other penalty provisions provided within this Ordinance, and shall be in addition to all other remedies to the Town of Scarborough at law and in equity. The provisions of this Ordinance shall be enforced by the Town Manager or such other municipal official or employee as the Town Manager shall designate in writing.

J. REVOCATION.

The Council may revoke a temporary event overflow parking permit issued pursuant to this Ordinance upon finding that the Operator has violated one or more of the provisions of its temporary event overflow parking permit, if the Council finds that the violations are likely to occur again in future temporary event overflow parking sites sponsored by the Operator at the temporary event overflow parking area subject to the permit and where the previous violations occurred. The Council may revoke a permit only after the Operator has been given notice and an opportunity to be heard. In the case of a revocation, the Operator must receive notice of the proposed revocation at least fourteen (14) days prior to the revocation hearing. A decision by the Council to revoke a permit shall not take effect until fourteen (14) days after the Operator has actual notice of the decision. The Council may, however, shorten any of the time periods prescribed in this Section if the Council finds that an emergency posing an imminent threat to the public health, safety or welfare exists and requires immediate action. The decision of the Council to revoke a permit is not appealable to any other board or agency within the Town of Scarborough.

L. SEVERABILITY.

The invalidity of any provision of this Ordinance shall not invalidate any other part thereof.

M. EFFECTIVE DATE.

This Ordinance shall take effect immediately upon adoption of the same by the Town Council of the Town of Scarborough.