

# Town of Cape Elizabeth Group Use Policy Fort Williams Park

Fort Williams Park is a municipally owned park created from the military post that once flourished on the site, ~~there~~. It is a unique community resource that has irreplaceable scenic, natural and historic qualities. The Town of Cape Elizabeth has dedicated it to predominantly park, passive recreational and cultural uses, which uses preserve or enhance or are otherwise fully compatible with its unique qualities. It exists for the residents of the town and others who may wish to join in the enjoyment of this community resource.

## Rationale

As the Park has wide-open spaces and is a desirable location for activities, the town is often approached by individuals, groups and businesses for permission to use Fort Williams Park for special activities. This statement outlines the procedures for handling these requests as well as guidelines that will be followed for groups who neglect to make a formal request.

## Criteria for Approval

### I. Reservation Process

**Users of picnic areas:** The Picnic Shelter, Ship Cove Platform, Bandstand, Stone Gazebo can be reserved by contacting Cape Elizabeth's Facilities ~~Community Services~~ Department. Fees are assessed in accordance with the ~~most~~ current fee schedule as approved by the Town Council.

**School outings:** The Director of Public Works or his/her designee may approve the use of the Park for school outings, typically held in the spring of each year. All school groups exceeding one full-sized bus load shall give ~~prior~~ notice to Public Works of their planned use of the Park at least one week prior to the planned use. The Director may deny such requested uses if other activities have been planned for the Park on the requested date or if five bus loads of school children have already notified the Director of their planned use for the same day. Priority will be given to Cape Elizabeth schools. There are no fees for school outings unless they reserve the Picnic Shelter.

**Bus/museum tours:** Tours of The Museum at Portland Head Light shall be arranged in advance with the PHL Gift Shop and Museum Coordinator.

**Wedding ceremonies:** Individuals desiring to schedule wedding and partnership ceremonies, which include an assembly of more than 20 persons shall contact the Public Works offices for permits, information and regulations. Fees are assessed in accordance with the most current fee schedule as approved by the Town Council.

## II. Groups of fewer than ~~50~~ 75 people

Groups of fewer than ~~50~~ 75 people may use unreserved ~~open~~ areas in the Park without prior approval. If a group wishes to assure they will have a reserved area, or facility, they must follow the procedures for reserving one of the designated areas.

## III. Groups of ~~50~~ 75 to 150 people

Groups of ~~50~~ 75 to 150 people must contact ~~apply to~~ the Director of Public Works or his/her designee for permission to use areas of the Park, unless they have previously reserved the Picnic Shelter, and/or the Ship Cove Platform or one of the major areas of the Park. The Director shall approve or deny the requested use in accordance with the following criteria:

1. Whether a large group has already been approved for the same day
2. Whether the proposed use is not in keeping with the desired recreational and cultural uses of the Park
3. Whether the proposed use is compatible with the enjoyment of the Park by others
4. Whether the proposed use would expose the Town to safety related liabilities.
5. Whether the proposed use is commercial in nature
6. Whether the group has a past history of not using the Park in an appropriate manner
7. Whether the group plans to advertise their activity in advance to the general public.

Any such group use shall be in accordance with any additional restrictions that the Director of Public Works or his/her designee may deem appropriate.

## IV. Groups of 150 or more people

Groups of 150 or more people must apply to the Town Manager, or his/her designee for permission to use areas of the Park. The Town Manager may deny such requests if the proposed activity would have an anticipated daily audience exceeding 6,000 persons or, in the judgment of the Town Manager, or his/her designee, would inappropriately dominate one, or more areas of the Park.

**Any such request shall be made in writing and should be submitted at least 60 days before the proposed use.** The Town Manager or his /her designee shall notify the chairperson of the Fort Williams Advisory Commission of the request. The chairperson shall then schedule consideration of the request for a future Commission meeting.

The Commission shall determine if the requested event, or use is in compliance with the Fort Williams Policy Statement adopted by the Cape Elizabeth Town Council on October 25, 1976 and reaffirmed ~~on August 28, 1978.~~ in the 2011 Master Plan Update. If the request is not within the confines of the Policy Statement, it may be denied.

The recommendations of the Commission shall be forwarded to the Cape Elizabeth Town Council, which may make independent findings in approving or denying any request.

The applicant shall not advertise the proposed event externally until after the Cape Elizabeth Town Council's approval of the event.

## **V. Guidelines to be used by the Commission when developing a recommendation on a requested event**

The Commission shall consider the following scheduling priorities:

1. Town of Cape Elizabeth and Cape Elizabeth School Department events
2. Events and activities of Cape Elizabeth-based organizations
3. Traditional events that have been held at Fort Williams Park
4. Events previously approved by the Cape Elizabeth Town Council
5. Other special activities and events

The Commission shall review the following information:

1. The experience of the requesting group handling large crowds
2. The financial capability of the group to undertake the planned event
3. The number of vehicles anticipated, and the availability of parking and traffic impacts as a result of the activity
4. The insurance coverage that the group has for the event
5. The exact location within the Park for the event
6. The availability of public safety personnel for event security
7. The planned use of sanitary facilities
8. The planned use of outside vendors
9. Advertising planned for the event
10. Adequacy of electrical service
11. Planned refuse disposal and recycling activities
12. Extent of wear to the Park in the context of all planned events at the Park for the year
13. Potential impacts of noise and traffic to adjacent properties

The Commission may recommend that any event be denied if one of the following findings may be made:

1. The proposed use is not compatible with the most current Fort Williams Park Statement of Policy for Fort Williams and/or Master Plan. .
2. The group does not have adequate financial capability as determined by the Town Manager.
3. The group has a record of not conforming with Park policies in the past
4. The group does not have insurance coverage as required by the Town of Cape Elizabeth
5. There is insufficient parking within the Park
6. The group has no accurate method to estimate the anticipated crowd
7. The event's scheduling conflicts with a previously approved activity
8. Other uses in the same general time period as this one will result in significant wear and tear to Park grounds
9. The Town has inadequate public safety and/or public works services to handle the event
10. The group will not agree to provide required sanitary facilities and/or the utilities in the Park are insufficient for the use proposed.
11. There are inadequate plans for refuse disposal or recycling activities
12. The use will unreasonably interfere with the enjoyment of the area by other Park users and neighbors

13. The proposed use is inappropriate in the context of other planned events or overall uses of the Park.

## **VI. Alcohol beverages**

**As a municipal park, the area is subject to the public drinking laws of the State of Maine and the Town of Cape Elizabeth. There shall be no alcoholic beverages consumed within the grounds at Fort Williams Park, unless approved by the Cape Elizabeth Town Council in conjunction with a Group Use Request. Applicants who wish to serve alcoholic beverages in conjunction with a Group Use Request approved by the Cape Elizabeth Town Council, shall conform with the following requirements:**

1. That the alcoholic beverages be served by an entity and/or individual that is licensed by the State of Maine to serve such beverages off premises. Confirmation of this shall be provided in writing to the Town prior to the event.
2. That all consumption and dispensing of alcoholic beverages be in compliance with the most current laws of the State of Maine governing such.
3. That the approved area be appropriately signed and cordoned off to designate the area for guests to consume alcoholic beverages.
4. That no individual be allowed to leave this designated area with any alcoholic beverages.
5. That all consumers be required to show proof of identification, if requested.
6. That all beverage containers be collected in appropriate containers, along with all other refuse and recyclable items.
7. That all logistical issues, such as deliveries, trash disposal, porto-johns, parking coordination and security be the responsibility of the applicant, and shall be approved in advance by the Director of Public Works.
8. That the applicant hire a Cape Elizabeth Police Officer to monitor the entry/exit point of the designated area within which alcoholic beverages are being served at the event.
9. That the event conforms to the regular hours of the park (sunrise to sunset).
10. That the event shall not be open to the public, but only to registered or ticketed attendees.
11. That the applicant pay a surcharge, in addition to any applicable group use fee, in accordance with the most current fee schedule as approved by the Cape Elizabeth Town Council.
12. That the Town of Cape Elizabeth be provided a Certificate of Insurance listing the Town as both "Certificate Holder" and "Additionally Named Insured". Coverage amounts shall be the following:

**Insurance Requirements:** The applicant shall supply the Town of Cape Elizabeth a certificate of insurance listing the Town of Cape Elizabeth as both Certificate Holder and as an additionally named insured - \$400,000 minimum. Coverage shall be for not less than the following amounts:

- a. General liability including comprehensive form, premises/operations, underground explosion and collapse hazard, products/completed operations, contractual, independent contractors, broad form property damage and personal injury.

1. \$1,000,000 Bodily Injury and Property Damage Each Occurrence
2. \$2,000,000 Bodily Injury and Property Damage Aggregate
3. \$2,000,000 Personal Injury Aggregate

b. Automobile liability including any auto, hired autos and non-owned autos - \$1,000,000 bodily injury and property damage combined.

c. Workers' Compensation and Employer's Liability

1. \$500,000 each accident
2. \$500,000 Disease - Policy limit
3. \$500,000 Disease - Each employee

## **VII. Fees and expenses**

If a request for group use is approved a fee may be levied for non-town sponsored events. The Commission shall determine whether the event should be considered to be vehicle intensive or people intensive and a fee will be assessed in accordance with the most current fee schedule as approved by the Town Council. The responsibility for cost-of collection of fees shall be borne by the group. In the event that the proposed use does not fall into the applicable fee structure, the Town Manager, at direction of Town Council, may negotiate a fee on behalf of the town for any special event in the park.

Except for funds received to reimburse Town expenses, all revenue generated from this policy shall accrue to the Fort Williams Park Capital Fund at the direction of the Cape Elizabeth Town Council.

**Area fees:** An area fee will be charged whenever an activity requires the exclusive or near-exclusive use of one of the major areas in the Park, such as Battery Knoll, the Meadow, the Green, the Firehouse Hill, the Parade Ground, etc. This fee also applies to events where a vehicle intensive or people intensive fee is assessed. The fee assessed will be in accordance with the most current fee schedule as approved by the Town Council.

**Location fees:** A location fee will be charged whenever the Park is used as a site for commercial photography or filming, as determined by in accordance with the Town Manager, or his/her designee. most current fee schedule as approved by the Town Council. If filming activities require the exclusive or near- exclusive use of any space, inhibits others' use of the Park or if town services are required, permission must be requested from the Town Manager before any such use, and the Town Manager or his/her designee shall negotiate a contract for this use. The terms of the agreement should include: the time, duration and location of the use, the impact that the use will have on the Park and others' access, and the fees to be charged. The fee assessed will be in accordance with the most current fee schedule as approved by the Town Council.

Any other commercial use of the Park, including but not limited to advertising, selling of goods and services, and product demonstrations, is prohibited unless specifically approved by the Town Manager or his/her designee.

Area fees and location fees will be assessed in accordance with the most current fee schedule as approved by the Town Council.

## **VIII. Amendment**

**The Cape Elizabeth Town Council may amend this policy at any time, after consultation with the Fort Williams Advisory Commission.**

