

NOTICE OF PUBLIC HEARING  
MUNICIPAL OFFICERS OF THE TOWN OF  
OLD ORCHARD BEACH

The Municipal Officers of the Town of Old Orchard Beach, Maine hereby give Public Notice that there will be a Public Hearing held at the Town Hall, Council Chambers, on July 21<sup>st</sup>, 2026 to consider the following:

Shall the Town Council of the Town of Old Orchard Beach amend the Code of Ordinances, Chapter 42, Parks and Recreation, Division 5, Special Events, by adding the underscored language as follows:

Division 5.-Special Event Permits

Subdivision 1.-In General

**Sec. 42-231. Definitions.**

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

*Adjacent tidewaters* means the ocean waters along the shoreline of the town beach and extending for a distance of 300 feet from such beach, measured from the low water mark.

*Beverages* means alcoholic and non-alcoholic drinks.

*Food Cart* means a small, non-motorized unit (pushed by hand or towed) that is typically unenclosed, and requires external transportation, and focuses on limited menus or pre-packaged food and beverages.

*Food truck* means a motorized vehicle or Food Trailer that is completely mobile from which prepared and/or pre-packaged food and beverages are served. The term "food truck" shall not include ice cream trucks.

*Mobile Food Business* means a food truck, Food Trailer and food cart as defined in this section.

*Private Property* means the real property that has a primary structure located on the property for which an event is located.

*Public property* means:

- (1) Any land owned by the town, including but not limited to Veterans Memorial Park, the town beach; and
- (2) Adjacent tidewaters.

*Special event* means any event, sponsored by an individual, corporation, partnership or other entity or organization, intended primarily for recreational, entertainment or charitable purposes, which requires the use of public property, including events which might otherwise be prohibited by division 2 of this article pertaining to the use of motorized and nonmotorized water toys on the town beach.

**Special Event on Private Property means a gathering that a sponsoring individual or organization conducts on private property.**

*Town beach* means that beach area and public parkland taken by the town for a public park on or about April 23, 1935, and May 5, 1935, the records of which are on file in the office of the town clerk.

#### **Sec. 42-232. Purpose.**

The purpose of this division is to provide the town council with a mechanism for regulating the dates, times, location and conditions under which permittees are authorized to make use of the public property in a manner which is consistent with the public health, safety and welfare and which promotes the use of public property for special recreational, entertainment, or charitable events. **This division also regulates mobile businesses that provide services to guests for events on private property.**

#### **Sec. 42-233. Enforcement.**

This division and the terms of a special events permit issued shall be enforced by any lifeguard employed by the town, by any law enforcement officer, or by any other designated town official duly authorized to enforce this division. The authority of lifeguards to enforce this division is limited to the town beach. **A Special Event Permit and Special Event Permit for Private Property can be suspended at any time if the Code Enforcement Department or Police/Fire Departments believe a violation has occurred, or there is a life safety issue. The Town Council may revoke a permit after notice and hearing.**

#### **Sec. 42-234. No rights created.**

This division grants no rights to and creates no property or other legal interests in any person. The town council, as trustee of public property, retains full control over public property and may in its sole and exclusive discretion issue, issue with conditions or deny special events permits. Decisions of the town council under this division shall be final, and this division provides no right of appeal.

#### **Sec. 42-256. Required.**

No person may conduct a special event on public property, or operate a mobile food business on private property, without a special events permit issued by the town council pursuant to this subdivision. The application must be received at least 30 calendar days prior to the event.

Applications for public property may be approved for up to three years prior to the event; however, the applicant must meet with the department heads at least 60 days prior to the event for that year.

Bonfires, small gatherings, including weddings (less than 25 people), located on public property, will require administrative approval only.

Events at the ballpark will require an approved contract or agreement with the Town of Old Orchard Beach with final administrative approval only; however, the town council reserves the right to place the application on the town council agenda before a contract or agreement is signed.

A change in date may be granted administratively due to a cancellation because of rain, snow, piping plovers, conflict with another event, or other needs that may arise.

#### **Sec. 42-257. Criteria for issuance.**

In considering whether to issue a special events permit pursuant to this subdivision, the town council shall consider whether the proposed special event:

- (1) Is consistent with the goal of promoting use of public property for recreational, entertainment or charitable events.
- (2) Can be conducted in the location proposed without endangering the public safety or disturbing the peace and order of the public property.

##### A. For mobile businesses on private property:

(1) No owner of private property shall allow any mobile food business to operate at an event on their property without a Special Event Permit for Private Property issued by the Town Council. It shall be the responsibility of the property owner to file a new permit application no later than thirty (30) calendar days before the event is held on the property. A single Special Event Permit application can apply to multiple events each calendar year.

(2) Special Event Permits for Private Property can be issued for no more than two mobile food businesses at any one time. A mobile food business can only operate on private property for two days during a seven-day period, and only during the time of the special event. Maximum hours allowed are six hours between the time frame of 10 a.m. and 10 p.m.

(3) Mobile Food businesses may serve event guests and employees only. Service to the general public is prohibited.

(4) State Approvals. Mobile food businesses shall secure all applicable state license and permit approvals, including any inspections, before serving event guests. State approval documentation shall be provided to the town clerk's office before final approval.

(5) Application/Operation Details. An owner or operator of a mobile food business must submit an application to the town council for a special event permit on private property submitting the following:

1. Location of mobile food business on the real property.
2. Description of mobile food business. Description shall include a visual representation such as a recent photograph.
3. Dates and times mobile food business will be located on private property.
4. Description of the event serviced by the mobile food business.
5. State Qualified Catering Permit if serving alcohol.
6. Emergency contact information.
7. Must have hot/cold running water on the mobile food truck, and must have an adequate container for wastewater. The disposal of wastewater on public property is prohibited.

#### **Sec. 42-259. Conditions.**

Each special events permit issued pursuant to this subdivision shall, at a minimum, specify the permit holder's obligations as to the following:

- (1) Dates and times.
- (2) Designated areas of public property and private property to be affected.
- (3) On public property, an insurance policy, for property damage or bodily injured in the amount of at least \$500,000.00, listing the Town of Old Orchard Beach as additionally insured. If alcohol is being served, liquor liability insurance is required, with a minimum amount of \$2,000,000.00, listing the town as additionally insured.
- (4) Crowd control.
- (5) Parking.
- (6) Cleanup.
- (7) Any other conditions which the town council deems necessary to protect the public safety and maintain order on the public property.

(8) Inspection of Mobile Food Businesses. The Code Enforcement Officer and Fire Department shall have the authority to inspect the location of the mobile food business, as well as the mobile food truck before serving event guests.

(9) Mobile Food Businesses cannot be located within 100 feet of an establishment that sells food and beverages.

Mobile Food Businesses cannot be located within 20 feet of the front property line on the private property where the mobile food business will operate, as shown on the Town of Old Orchard Beach zoning map.

**Sec. 42-260. Liability.**

The holder of a special events permit issued pursuant to this subdivision shall be solely responsible for conducting the special event in compliance with the conditions of the permit and for maintaining public safety and order during the special event. The town assumes no liability or responsibility by issuing the permit.

Sec. 42-261. Exemptions.

Special event permits and special event permits on private property are not required within the Campground Overlay District and Amusement Overly District.

**Secs. 42-261—42-280. Reserved.**

Under the Schedule of License, Permit and Application fees, Special Event Permits are \$50 per day.

Per Order of the Municipal Officers this 16<sup>th</sup> day of June, 2026.

A True Copy  
Attest:

s/Kim McLaughlin \_\_\_\_\_  
Kim M. McLaughlin, Town Clerk