

LOCAL LAW NO. 1 OF 2022
Town of Macedon, Wayne County

LOCAL LAW TO REGULATE SPECIAL EVENTS WITHIN THE TOWN

Be it enacted by the Town Board of the Town of Macedon as follows:

Section 1. Purpose

Large assemblies on public and private properties may disturb nearby residents in the peaceful enjoyment of their homes and property, interfere with the general public's normal use of highways and other municipal facilities, and be harmful to the public safety and welfare. Large assemblages of people result in the need for some control over traffic and parking and may strain or exhaust police resources. In an effort to provide for the well-being of the community, the Town Board establishes the following procedures to assure that such assemblies may be accommodated without unduly burdening the community or the resources of the Town of Macedon.

Section 2. Definitions

As used in this chapter, the following terms shall have the meanings indicated:

AMBULANCE DIRECTOR – The Director of the Macedon Town Ambulance.

APPLICANT - Any person seeking to hold a special event which is regulated hereunder and/or is subject to any provision of law, rule and regulations, or any part thereof, which is so subject, and which is subject to the review, inspection, regulation or enforcement of or by the Town of Macedon or other lawful authority.

CHIEF OF POLICE – The Chief of the Macedon Police Department.

FIRE MARSHALL – The Fire Marshall of the Town of Macedon.

HIGHWAY SUPERINTENDENT – The Highway Superintendent of the Town of Macedon.

PUBLIC PROPERTY - Property of the Town or other governmental agency.

SPECIAL EVENT - Any preplanned social occasion or activity, or series of such occasions or activities, sponsored or conducted by a person other than the Town or other governmental agency, to be attended by 200 or more people, occurring on private property, or on any public highway right-of-way or property owned by or leased to the Town, conducted indoors or outdoors, with or without admission or invitation fee, sponsorship or requested donation, for the purpose of entertainment, celebration, amusement, cultural recognition, amateur or professional sports demonstration or competition, or similar activities generically considered recreational in nature, including but not limited to carnivals, circuses, live entertainment, background music, festivals, fairs, bazaars, arts and cultural events, arts and crafts displays and/or sales, road races and walk-a-thons, public celebrations, parades, celebrations, ceremonies, marches, demonstrations, exhibitions, and any other occurrence involving public gathering and/or

attendance which is not otherwise considered a matter of right under prevailing law such as to be exempt from governmental regulation, and including accessory activities conducted by vendors.

SPECIAL EVENT PERMIT - A permit for a special event granted by the Town in accordance with this local law.

TOWN – The Town of Macedon, New York.

TOWN BOARD – The Town Board of the Town of Macedon, New York.

TOWN CODE ENFORCEMENT OFFICER – The Town Code Enforcement Officer of the Town of Macedon.

Section 3. Permit Required

A. Unless other exempt by law, no special event shall take place unless and until an application for a special event permit has been submitted to the Town Code Enforcement Officer and such permit has been issued by the Town Board.

B. Exemptions.

(1) Events or activities which are held on property owned by or leased to the Town, volunteer fire department which contracts with the Town to provide fire protection services to a Town fire protection district, or other governmental agency and which are sponsored or conducted wholly by the Town, volunteer fire department which contracts with the Town to provide fire protection services to a Town fire protection district, or other governmental agency.

(2) Events or activities which are held on public property, excluding highway rights-of-way, not owned by or leased to the Town.

(3) Events or activities for which a special use permit was issued by the Town Board.

Section 5. Application

A. Except in the case of a spontaneous or similar event or exercise of free speech such as those in response to a contemporaneous occurrence, an application for a special event permit shall be filed with the office of the Town Code Enforcement Officer not less than 30 days before the date of the proposed special event and in any case not later than the time required for the Town to review same and to determine that all arrangements are satisfactory and sufficient to protect the health, safety, property and general welfare of the citizens of the Town or the safety of participants and/or attendees of a special event. The Town Code Enforcement Officer may waive such requirement and accept the filing of an application after the deadline for same if the Town Code Enforcement Officer determines that such late filing shall not have impaired the Town's ability to adequately review such application and all arrangements necessary to hold the special event as intended so as to safeguard the protection of the health, safety, property and general welfare of the citizens of the Town or the safety of participants and/or attendees of a

special event; however, the Town Code Enforcement Officer shall have the right to deny any such permit and prohibit such special event due to the late filing of an application or other material failure to comply with Town requirements as defined hereunder, including if such late filing shall have precluded or significantly impaired the Town's ability and opportunity to evaluate such application as provided under this local law.

B. Information and material to be submitted with a completed application for a special event permit. An application for a special event permit shall be on the form provided by the Town Code Enforcement Officer. Such application shall include the following written material, all or part of which may be waived by the Town Code Enforcement Officer upon a determination that such material is inapplicable or unnecessary for the purposes of this local law:

(1) The name and address of the applicant; if the applicant is a corporation, the name of the corporation and the names and addresses of directors and officers of the corporation; if the applicant does not reside in Wayne County, the name, address and phone number of any agent, who shall be a natural person and shall reside or have a place of business in Wayne County and who shall be authorized to and shall agree by verified statement to accept notices or summonses issued with respect to violations of any laws, ordinances, codes, rules or regulations resulting from a special event.

(2) The name and address of the record owner of the property on which the special event will be held and the nature and interest of the applicant in the property.

(3) A detailed description of the nature of the special event, including the dates, hours, admission and other pertinent details, including but not limited to setup and shutdown times; expected maximum number of persons intended to use such property at one time and collectively, including organizers, employees, vendors, exhibitors and spectators; the expected number of automobiles and other vehicles intended to use the property at one time and collectively; the purpose of the event, describing in detail the nature of the activities to be carried on and the admission fee to be charged, if any, and the name of groups, organizations, charities or individuals who shall benefit from the proceeds of such special event.

(4) A plan and drawing showing the size of the property; the streets or highways abutting said property, the size and location of any existing or proposed buildings or structures or of any signs to be erected for the special event; the location of the stage or tents, if any, proposed to be erected; the designated areas of use for spectators, exhibitors, vendors, employees, and organizers; the location of all exits; the location of all fire extinguishers and other fire safety equipment; and the location of all temporary utilities to be installed for the special event.

(5) A plan and drawing showing the layout of any parking area for automobiles and other vehicles and the means of ingress and egress for such parking area.

(6) The name, address and telephone number of the person or vendor who will be engaged in the preparation and sale of food or beverages.

(7) A plan for the use of live music, loudspeakers, horns, or other sounds which will be used, if any, and the type and location of speakers and other audio equipment.

(8) The name and address of the security company, if any, which will work on the premises, and a description of the duties to be performed, subject to the approval of the Chief of Police.

(9) A description of the communications plan to be utilized by the event organizer to facilitate command and control of all routine and emergency activities related to the event, subject to approval by the Chief of Police and Fire Marshal.

(10) A description of tents or other temporary structures, camping or housing facilities to be available, if any, and a plan showing the intended number and location of them, compliance with the applicable requirements of the New York State Uniform Fire Prevention and Building Codes.

(11) A detailed description of the proposed means for furnishing water for drinking and other purposes as well as all proposed means of food services and the furnishing of medical services and supplies, including the names and addresses of any and all contractors to furnish such services and all pertinent information as to the location of pharmaceutical and emergency medical services.

(12) A detailed description of the proposed methods for handling and disposing of all trash, rubbish and garbage.

(13) A detailed description of the proposed means of disposal of all sewage, including the location and description of the facilities proposed, including lavatory facilities.

(14) Verification that there are no outstanding violations of the Town Code or the New York State Uniform Fire Prevention and Building Codes on the property at which the special event will be held or any outstanding or unsatisfied conditions of a Town agency approval, including but not limited to those of the Town Planning Board and the Town Board of Zoning Appeals.

(15) Authorization for the Town and any agent of the state or other municipal government to enter and inspect the premises proposed to be used.

(16) A description of all insurance policies and surety bonds to be furnished by the applicant to protect the Town and its officers and employees from any and all liability.

(17) In any special event, and in addition to any required insurance under the provisions of this local law, the applicant shall indemnify, save and hold the Town harmless against loss, liability or expense resulting from any and all claims, actions, causes of action or judgments recovered against the applicant or the Town in any court of competent jurisdiction in excess of the amount of insurance required by the Town or, if no insurance is required, for all claims not otherwise covered or in excess of the coverage provided to the Town under its own public liability insurance coverage.

C. Review by Town Board. Upon performing an initial review and seeking input from the Ambulance Director, Fire Marshal, Chief of Police, and Highway Superintendent, the Town Code Enforcement Officer shall refer the application to the Town Board, together with any comments or recommendations from the aforesaid Town officials, for its review. The Town

Board will then consider whether the proposed assembly would unduly burden the community or the resources of the Town, or unreasonably impact upon or restrict the use of Town resources by other Town residents, or constitute a threat to public safety, health or welfare by reason of time, location or duration of the activity, or will unduly interfere with vehicular and/or pedestrian traffic. The Town Board or its designee may deny an application for a permit under this local law after a review of the application, whenever a determination is made that the proposed special event would violate any law or ordinance or would unreasonably interfere with the public's use of public lands; unreasonably interfere with the use and enjoyment of adjoining properties; unreasonably impede the flow of vehicular or pedestrian traffic; be detrimental to the community because of anticipated excessive noise, illumination or other effect caused by the proposed assembly, including, but not limited to, a potentially dangerous activity or creation of a dangerous condition, such as the use of explosives, the use of stunts, helicopters, firearms or simulated firearms; or otherwise endanger the public's health, safety or welfare. In addition, the Town Board or its designee may consider the number of applications submitted for a particular property and may deny an application if determined that the history of permit applications indicates an attempt by the applicant and/or property owner to circumvent the Town Code. Any denial shall be in writing and shall specify the reasons for the denial. The Board, or its designee, may refer the application for further comment or input from the Town Code Enforcement Officer, Chief of Police, Fire Marshal, Highway Superintendent and/or any other Town department or agency should the application indicate that such entity may be affected by the approval of such application. The Board or its designee shall send the approved or disapproved application back to the Town Code Enforcement Officer who will then provide notice of the same to the applicant.

D. Additional requirements.

(1) The Town shall have the right to require any applicant at its own cost and expense to provide such personnel and/or equipment as the Town may reasonably deem to be appropriate and necessary to ensure the safety and security of the public and/or public property before, during and after a special event, including but not limited to security personnel, communications equipment, medical and emergency response plans, services and vehicles, generators, lighting, sanitation facilities including toilets, garbage and trash collection and disposal facilities and services, parking and traffic control, and others, all of which shall be and remain subject to the oversight, supervision and control of Town officials, officers and staff with supervisory responsibility for such event and for Town property. The Town may impose and/or mandate compliance with such standards and requirements as may be reasonably related to the purposes of this local law.

(2) The Town may require an applicant to provide a letter of credit, bond or other suitable security instrument to ensure compliance with conditions in the special event permit and to ensure adequate cleanup of the property after a special event. No permit shall be issued unless and until such security has been provided to the Town Code Enforcement Officer. If an applicant fails to comply with the conditions of such permit or does not clear the property of debris within five days of mailing of written notice by return-receipt-requested mail or within three days of personal service of written notice on the applicant, the Town may use such portion of the security as is required to remedy the situation.

(3) The Town shall have the right to require any applicant at its own cost and expense to provide notice to neighbors before the special event occurs, in a form and manner prescribed by the Town.

(4) Special event permit available on premises. The special event permit issued hereunder shall be displayed on the premises during the special event and shall be available for inspection by a police officer or other enforcement officer of the Town upon request of such officer.

E. Fees.

(1) Application Fee. All applications for a special event permit shall be accompanied by an application fee in an amount established by simple resolution of the Town Board, in order to defray the costs of administering this local law.

(2) Services Fee. The permittee shall pay a Services Fee to reimburse the Town for any reasonable sums expended for necessary or appropriate services provided by the Town to ensure the public's health, safety or welfare during the special event, including, but not limited to, the provision of Town law enforcement, ambulance, and highway personnel.

i. Upon reviewing a permit application, the Town Code Enforcement Officer shall coordinate with the Chief of Police, Ambulance Director, Highway Superintendent, and any additional local department heads or their respective designees, to determine to what extent, if any, the event shall be staffed by Town personnel to reasonably ensure the public's health, safety or welfare, and to develop an estimate as to the additional costs incurred by the Town to furnish the same, including, but not limited to, costs relative to the payment of overtime to Town employees and the use of Town equipment.

ii. Upon the Town Board approving a permit application, the Town Code Enforcement Officer shall provide the applicant with the estimate as to the Services Fee, which shall be paid by the applicant before the permit is issued.

iii. Following the Special Event, the Town Code Enforcement shall provide documentation containing final Services Fee, consisting of the actual expenses incurred by the Town, together with any refund to or invoice for any outstanding balance.

Section 7. Waiver.

The Town Board, upon consent of a majority of its members, after due consultation, may authorize a waiver of the requirements and/or limitations of this local law whenever it determines that strict compliance with such limitations or requirements will pose an unreasonable burden upon the applicant and that such permit may be issued without endangering the public's health, safety or welfare. In such instances, the Town Board may attach additional conditions and safeguards to ensure the orderly conduct of the activity and to minimize the impact of such use.

Section 8. Amendment, modification or rescission of permit.

A. Once a special event permit has been issued, any proposed amendment or modification to the application by the applicant shall be filed with the Town Code Enforcement Officer if any of the conditions identified in the application have changed. Notice shall be given to the Town Code Enforcement Officer not less than 5 days prior to the special event. Such changes may include, but are not limited to, the date of the event, the location of the event, and the addition of tents, alcohol, or fireworks.

(1) All changes in conditions necessitating the amendment will be accompanied by the appropriate certificates or permits.

(2) The appropriate Town officials shall review the proposed amendment and shall have the discretion to rescind or modify the permit due to changed conditions.

B. The Town may rescind a special event permit issued pursuant to this local law at any time for the following reasons:

(1) False information. The application is found to contain materially false information.

(2) Violation of existing law. The special event is found to violate any law of the Town of Macedon, the County of Wayne, the State of New York or the United States of America.

(3) Violation of recorded conditions or limitations. The permit is found to be in violation of a restriction or limitation contained in a recorded covenant, deed or other document.

Section 9. Violations.

A. It shall be a violation of this local law to conduct or to allow to be conducted a special event without a special event permit issued pursuant to the provisions herein, or after such special event permit has been denied, revoked or suspended.

B. It shall be a violation of this local law to conduct or allow to be conducted a special event contrary to the terms and conditions set forth in the special event permit issued for such special event.

Section 10. Enforcement.

This local law shall be enforced by the Town Code Enforcement Officer, Chief of Police, and the Fire Marshal, or their respective designees, unless stated otherwise herein.

Section 11. Penalties for offenses.

A violation of any of the provisions of this local law shall, upon conviction thereof, be punishable by a fine of not less than \$100 nor more than \$250 for each offense or by imprisonment for a period not exceeding 15 days, or by both such fine and imprisonment, in addition to any fines imposed hereunder. For each and every day that a violation continues, such violation shall constitute a separate offense and the penalties prescribed herein shall be applicable to each such separate offense.

Section 12. Prohibition on Transfers.

No special event permit issued under the provisions of this local law may be transferred or assigned from one applicant, person or location to another applicant, person or location.

Section 13. No endorsement by Town.

The granting of permission by the Town and/or the use of Town-owned property or facilities by any person shall in no way be considered an endorsement or any expression of support, of disagreement or of any position or opinion of the Town whatsoever with respect to the activities, policies, opinions, positions, precepts or other aspects of the person organizing, sponsoring, holding or participating in a special event, and no person associated in any way with such event is authorized to or shall make any public statements or representations concerning the Town concerning same.

Section 14. Conflict with other provisions.

When the requirements or restrictions imposed by this local law conflict with the requirements or restrictions imposed by other laws, ordinances, codes, rules or regulations, the greater requirement or restriction, respectively, shall prevail.

Section 15. Severability.

If any clause, sentence, paragraph, section, article or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section, article or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 16. Effective Date.

This local law shall go into effect immediately upon filing with the New York State Secretary of State.