

## PUBLIC NOTICE

NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Smithtown, Suffolk County, State of New York will meet at the Victor T. Liss Board Room, Town Hall, 99 West Main Street, Smithtown, New York on Tuesday, December 17, 2019 at 2:00 p.m. time then in effect to consider proposed amendments to Chapter 119 of the Town Code.

### **Proposed Local Law # 6-2019** **Chapter 119. Special Events**

Additions indicated by underlines.

Deletions indicated by ~~strikeouts~~.

#### **Article I General Provisions**

##### **§119-1 Legislative Intent; definitions.**

- B. For the purposes of this chapter, the following terms shall be given the meanings as set forth herein:

##### **LOCAL**

~~Belonging or relating to a particular area, hamlet, neighborhood, community or district exclusively within the Town of Smithtown.~~

#### **Article II Special Events**

##### **§119-2. Exceptions; permit required.**

- A. All special events are prohibited in the Town of Smithtown except when such special events are approved, in writing, by the Town Board ~~and conducted under the sole management and for the profit of local religious, fraternal, educational, political, veteran's, firemen's civic, cultural/artistic, nonprofit or charitable organizations or for the benefit of the Town of Smithtown on premises owned by the Town of Smithtown.~~
- B. Any special event authorized pursuant to §119-2A of this chapter shall be conducted only upon the issuance of a permit by the Town Clerk. Such permit shall be issued only upon the filing of a written, verified application completed in accordance with this chapter by an officer of the organization sponsoring such special event, at least ~~six (6) months~~ sixty (60) days prior to the day of the commencement of such special event.

##### **§119-3 Application requirements.**

Application for said written approval of the Town Board, and for a permit required by §119-2 of this chapter, shall be made on an application form approved by the Town Clerk submitted no later than ~~six (6) months~~ sixty (60) days prior to the date of the event and

verified by a duly qualified officer of the sponsoring organization, setting forth the following information:

- G. The Federal Employer Identification Number (EIN), name and address of the person or persons of the sponsoring organization who will be in charge of the function.
- I. A nonrefundable fee of \$100 shall accompany each application submitted under this chapter to cover the costs of application review and site inspections.

#### **§119-4 Affidavit of posting.**

The application shall be read by the Town Board at its regular meeting next following the filing of the application, provided that proof in the form of an affidavit of posting, together with photographs depicting the requisite postings, is filed with the Town Clerk prior to said regular meeting certifying that at least five days prior to said meeting a sign has been posted on the premises as required by §119-6 hereof. A second posting is required no more than ten (10) days prior to the date of the event, and an affidavit of the second posting must be filed with the Town Clerk no less than five (5) days prior to the date of the event.

#### **§119-5 Issuance of permit; restrictions.**

- A. ~~After review by the Department of Public Safety receipt of the affidavit of posting,~~ the application shall be read ~~a second time~~ by the Town Board at its regular meeting ~~next following the first reading.~~ Thereafter, ~~at the regular meeting next following the second reading,~~ ~~the Town Board may authorize the Town Clerk, pursuant to Town Board resolution, to~~ may issue a permit for the conduct of the special event. No such permit shall be issued if the Town Board determines that the special event will disturb the public peace and good order or adversely affect the use and enjoyment of adjoining properties in adjoining use districts or that the conduct of the special event will be inconsistent with the public health, safety or welfare.
- B. ~~The Town Board, in granting such permit~~ Permits may impose reasonable restrictions, conditions and safeguards upon the issuance of the permit and/or conduct of the special event so as to assure consistency with the standards set forth above, including a requirement for the deposit of an adequate sum of money with the Town at the time of issuance of the permit to guarantee restoration of the premises to a neat and orderly condition upon completion of the special event.
- C. All permits shall contain a provision to the effect that no part of the special event authorized thereby will be in operation between the hours of 12:00 midnight and 9:00 a.m. of the following day, time then in effect, and 12:00 midnight and 12:00 noon on Sunday.

- D. Where the expected number of persons or the duration of the special event may impact the health, safety and welfare of the public, as a condition to granting the special event permit, the Town Board may require the applicant to reimburse the Town for the costs of increased police protection, public safety oversight, and Department of Parks, Buildings & Grounds and/or Highway Department facilitation, including any additional equipment, as may be deemed necessary by the Town to adequately and safely control and protect the persons attending the event, the event area and traffic in and around the event area. Such costs shall include all necessary staffing and shall be provided to the applicant prior to the issuance of the permit.
- E. The Town Board may require the applicant to provide a letter of credit, bond, cash deposit, or other suitable security instrument to secure compliance with condition in the special event permit and to ensure adequate cleanup of the property after the event. No special event permit shall be issued until the security has been provided to the Town Clerk. If the applicant fails to honor the permit conditions or to adequately clean up the property following the event, the Town may use such portion of the security as is required to remedy the situation.
- F. Permits issued shall be subject to immediate revocation upon violation of the provisions thereof or the provisions of this chapter. Such revocation shall be issued by the Town Clerk upon the direction of the Town Board.
- G. ~~Nothing herein shall preclude the Town Board from limiting the number of readings from two readings to one reading in the event that circumstances exist which require a special event application to be expedited.~~

#### **§119-6 Posting of signs.**

For special event permit applications, notice of the application shall be given by the applicant erecting a white with black lettering sign or signs measuring not less than two feet long and one foot wide on the premises, facing each public street on which the property abuts, giving notice of the application and the date, time and place of the first reading. The sign shall be set not more than 10 feet from the property line and shall not be less than two feet nor more than six feet above grade and must be posted on the premises as required hereinabove and must be displayed for a period of not less than five days immediately preceding the first Town Board's reading of the application and again ten (10) days prior to the date of the event. The filing of an affidavit by the applicant that this requirement has been complied with, together with photographs depicting the requisite postings, shall be deemed sufficient proof of compliance. The affidavit of posting and photographs for the second posting required must be filed with the Town Clerk no less than five (5) days prior to the date of the event.

#### **Article III Parades and Processions**

**§119-9 Exceptions; permit required.**

- B. Any parade authorized pursuant to §119-9A of this chapter shall be conducted only upon the issuance of a permit by the Town Clerk. Such permit shall be issued only upon the filing of a written verified application completed in accordance with this chapter by an officer of the organization sponsoring such parade, at least ~~six (6) months~~ sixty (60) days prior to the date of commencement of the parade.

**§119-10 Application requirements.**

- A. Application for written approval of the Town Board, and for a permit required by §119-9 of this chapter, shall be made on an application form approved by the Town Clerk, submitted no later than ~~six (6) months~~ sixty (60) days prior to the date of the event and verified by a duly qualified officer of the sponsoring organization, setting forth the following information:
- (1) A detailed parade route with a map of the route to be traveled from an established, authorized parade designated route list as promulgated by the ~~Department of Public Safety~~ Town Clerk.
  - (5) The Federal Employer Identification Number (EIN), name, address and telephone number of the person or persons of the ~~local~~ sponsoring organization who will be in charge of the function.
- B. In addition to the application requirements specified in §119-10A, the Department of Public Safety, upon receipt of the application, will notify the Suffolk County Police Department, Fourth Precinct, of the proposed parade and if any portion of the proposed parade route shall occur upon, or intersect with, any state highway, the New York State Department of Transportation, in order for the parade application to comply with any and all New York State Department of Transportation requirements, including, but not limited to, signage and road closure requirements.
- C. Application for parade permits used solely for the purposes of practice or training are prohibited.
- D. The applicant must also execute an agreement with the Town of Smithtown to indemnify and hold harmless the Town of Smithtown from and against any and all claims arising from the parade.

**§119-11 Issuance of permit; restrictions.**

- A. After ~~review by the Department of Public Safety~~ receipt of the application, the ~~application shall be read a second time by the Town Board~~ shall read the application at its regular meeting ~~next following the first reading, whereupon the~~

~~Town Clerk may issue a permit for the conduct of the parade. Thereafter, at the regular meeting next following the second reading, the Town Board may authorize the Town Clerk, pursuant to Town Board resolution, to issue a permit for the conduct of the parade.~~ No such permit shall be issued if the Town Board determines that the parade will disturb the public peace and good order or adversely affect the use and enjoyment of adjoining properties in adjoining use districts or that the conduct of the parade will be inconsistent with the public health, safety or welfare.

- B. ~~The Town Board, in granting such permit,~~ Permits may impose reasonable restrictions, conditions and safeguards upon the issuance of the permit and/or conduct of the parade so as to assure consistency with the standards set forth above.
- C. Where the expected number of persons or the duration of the parade may impact the health, safety and welfare of the public, as a condition to granting the parade permit, the Town Board may require the applicant to reimburse the Town for the costs of increased police protection, public safety oversight, and Department of Parks, Buildings & Grounds and/or Highway Department facilitation, including any additional equipment, as may be deemed necessary by the Public Safety Director to adequately and safely control and protect the persons attending the event, the event area and traffic in and around the event area. Such costs shall include all necessary staffing and shall be provided to the applicant prior to the issuance of the permit.
- D. The Town Board may require the applicant to provide a letter of credit, bond, cash deposit, or other suitable security instrument to secure compliance with condition in the parade permit and to ensure adequate cleanup of the property after the event. No special parade permit shall be issued until the security has been provided to the Town Clerk. If the applicant fails to honor the permit conditions or to adequately clean up the property following the event, the Town may use such portion of the security as is required to remedy the situation.
- E. Permits issued shall be subject to immediate revocation upon violation of the provisions thereof or the provisions of this chapter. Such revocation shall be issued by the Town Clerk upon the direction of the Town Board.
- F. ~~Nothing herein shall preclude the Town Board from limiting the readings from two readings to one reading in the event that circumstances exist which require a parade application from being expedited.~~

### **§119-13 Restrictions for parades.**

Any parade held pursuant to a permit issued by the Town Clerk ~~at the direction of the Town Board~~ shall only take place upon those highways and parts of highways or public streets as shall be specified by the Town ~~Board~~ Clerk in a permit. Nothing herein shall

prevent the Town Board Clerk from specifying an alternate parade route if the Department of Public Safety or the Town Board Department of Traffic Safety and/or the Suffolk County Police Department, Fourth Precinct, determines that the proposed parade route will disturb the public peace and good order or be inconsistent with the public health, safety and welfare.

#### **Article IV Miscellaneous Requirements**

##### **§119-16 Revocation.**

In the event that the person, firm, corporation or other entity conducting a special event, parade or outdoor assemblage violates or causes to be violated any condition set forth in a permit issued pursuant to this chapter ~~under which such special event, parade or outdoor assemblage operates upon the recommendation of the Town of Smithtown Department of Public Safety,~~ the Town Board may revoke such permit authorizing the conduct of the special event, parade or outdoor assemblage.

Dated: November 21, 2019

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF SMITHTOWN  
VINCENT PULEO  
TOWN CLERK