

Chapter 119. Special Events

[HISTORY: Adopted by the Town Board of the Town of Smithtown as Ch. 10 of the 1964 Code; amended in its entirety 3-16-2000. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Alcoholic beverages — See Ch. 94.

Bingo — See Ch. 105.

Games of chance — See Ch. 173.

Tents — See Ch. 273.

Zoning — See Ch. 322.

Article I. General Provisions

§ 119-1. Legislative intent; definitions.

- A. It is the intent of the Town Board to regulate the conduct of special event activities, such as carnivals, circuses, parades and outdoor assemblages, so as to preserve the public peace and good order and to ensure the health and safety of the residents of the Town of Smithtown in the surrounding areas of such special event activities.
- B. For the purposes of this chapter, the following terms shall be given the meanings as set forth herein:^[1]

PARADE

An organized procession, march, walk or run.

[Added 5-28-2009]

PROCESSION

See "parade."

[Added 5-28-2009]

SPECIAL EVENT

Any form of entertainment open to the public and generally conducted outdoors with the presence of tents, booths or temporary structures erected for such purpose or any combination of the foregoing, including but not limited to the following forms of entertainment commonly known as "carnivals," "circuses," "fairs," "bazaars," "menageries" or "sideshows." Such forms of entertainment are generally characterized by the presence of any of the following activities or any combination thereof: mechanical rides, exhibitions of skill, animal exhibitions, games of skill or games of chance where otherwise permitted by local regulation.

[1] *Editor's Note: The former definition of "local," which immediately followed, was repealed 1-7-2020 by L.L. No. 1-2020.*

Article II. Special Events

[Amended 5-28-2009^[1]]

[1] *Editor's Note: This ordinance also redesignated former Arts. II and III as Arts. III and IV, respectively.*

§ 119-2. Exceptions; permit required.

[Amended 3-23-2017 by L.L. No. 1-2017, effective 10-1-2017; 1-7-2020 by L.L. No. 1-2020]

- A. All special events are prohibited in the Town of Smithtown, except when such special events are approved, in writing, by the Town Board.
- 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 60 days prior to the day of the commencement of such special event.

§ 119-3. Application requirements.

[Amended 3-23-2017 by L.L. No. 1-2017, effective 10-1-2017; 1-7-2020 by L.L. No. 1-2020]

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 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:

- A. A certificate of public liability insurance in limits not less than \$1,000,000 combined single limit for both bodily injury or death of any one or more persons and for damage to or destruction of property.
- (1) All insurance certificates shall include the Town of Smithtown as an additional insured and shall be noncancellable without 15 days' prior written notice of cancellation to the Town Clerk.
 - (2) Evidence of an owners' and contractors' protective liability policy in limits of no less than \$1,000,000 combined single limit, naming the Town of Smithtown as the insured, shall be provided to the Town Clerk in the form of the original insurance policy.
 - (3) The Town Board may require an applicant to supply additional insurance coverage when the minimum amounts stated are, in the opinion of the Town Board; insufficient for the risk undertaken or when required otherwise by law.
- B. An accurate description of the premises upon which the function (bazaar, fair or entertainment) is to be given.
- C. The zoning classification within which said premises lies.