

**PUBLIC NOTICE**

PLEASE TAKE NOTICE that the Board of Trustees of the Village of Bellport will hold a public hearing on the 22nd day of February, 2010, at 7:00 P.M., at the Community Center, 4 Bell Street, Bellport, New York, to consider the adoption of a Local Law as follows:

**LOCAL LAW NO. \_\_\_\_\_ OF 2010**

**A LOCAL LAW REGULATING SPECIAL EVENTS**

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF BELLPORT AS FOLLOWS:

SECTION 1. PURPOSE.

The purpose of this local law is to allow special events that are open to the general public to be reviewed by the Village of Bellport for public safety concerns and the impact they may have on surrounding properties. This local law will allow the Village to ensure emergency services have free access to the surrounding neighborhoods during the special event and that basic health issues such as adequate bathroom accommodations and refuse removal are addressed.

SECTION 2. ENACTMENT.

Chapter 16A of the Village Code is enacted as follows:

§ 1. Definitions.

Unless otherwise expressly stated, the following terms shall, for the purposes of this chapter, have the meanings set forth below:

CODE ENFORCEMENT OFFICER - The Chief Code Enforcement Officer of the Village and designees.

FIRE MARSHAL - The Fire Marshal of the Village.

PERSON - Any individual, firm, partnership, association, corporation, company or organization of any kind, including by way of illustration, not limitation, a charitable, religious, membership, hospital or not-for-profit corporation.

SPECIAL EVENT - Any form of entertainment open to the public, conducted outdoors, with or without an admission fee and held on a one-time, annual or occasional basis, which may include but is not limited to, for example, carnivals, circuses, fairs, bazaars and outdoor shows, horse shows or exhibitions, concerts, rallies, parades, auctions and fundraisers. A special event shall not include any activity having less than 50 spectators or a private party.

VILLAGE - The Village of Bellport.

VILLAGE CLERK - The Village Clerk.

## § 2. Permit Requirements.

- A. Written permit required. Where more than 50 participants are expected in total, no person shall use, allow, let or permit property to be used for a special event, e.g., fundraiser, unless a special event permit has been issued by the Board of Trustees of the Village.
- B. Application to be filed at least 30 days prior to the special event. Application for such permit shall be on the form provided by the Village Clerk, addressed to the Board of Trustees and filed with the office of the Village Clerk at least 30 days prior to the date the special event will begin, unless otherwise waived by the Village Board. The Village Clerk shall respond within ten (10) days.

C. Information and material to be submitted with completed application. Such application shall include the following written material as required by the Village Clerk:

- (1) The name, address and telephone number of the applicant; if the applicant is a corporation, the name of the corporation.
- (2) The name and address of the owner of the property or properties and the nature and purpose of the applicant's interest in the property; proposed dates and hours of the special event, including setup and shutdown times; expected maximum number of persons intended to use the property at one time and collectively, including organizers, employees, vendors, exhibitors and spectators; and the expected number of automobiles and other vehicles intended to use the property at one time and collectively.
- (3) Provisions to dispose of any garbage, trash, rubbish or other refuse.
- (4) A description of the proposed use of live music, loudspeakers, horns or other sounds which will be used.

§ 3. Conditions for granting permit.

A. Where the expected maximum number of persons shall exceed 500 persons at any time during a special event, or where the duration of the special event will impact the health, safety and welfare of the Village, as a condition of the granting of the permit, the Board of Trustees may require the permittee to reimburse the Village for costs of participation of the Code Enforcement Officers as may be deemed necessary by the Board of Trustees to adequately and safely control and protect the persons attending the event, the event area and traffic in and around the area of the event. Costs shall include those over and above routine staffing, including for overtime and for the

hiring of special officers. The amount shall be provided to the applicant prior to the issuance of the permit. Payment shall be required prior to issuance of a permit.

- B. The Village Clerk may issue a permit upon such other reasonable conditions necessary to insure compliance with this law and for the general protection of the health, safety and welfare of Village residents and property of others in the Village.

§ 4. Review of application.

- A. All applications for a permit shall be reviewed by the Village Clerk with the assistance of the Chief Code Enforcement Officer, Building Inspector and the Fire Marshal.
- B. In determining whether to approve or deny an application, the Village Clerk shall consider the information provided in the application and such other information as may be available, including but not limited to:
  - (1) Impact of the event on the safe and orderly movement of traffic within and contiguous to the event.
  - (2) Need to police such event and whether the numbers of officers assigned to properly police such event will prevent the Village from providing adequate emergency protection to the remainder of the Village.
  - (3) Impact of the event on fire and police protection and ambulance service to the areas contiguous to the event and to the Village in general.
  - (4) Impact of the event on the movement of fire-fighting equipment or ambulance service to the Village or to areas contiguous to the event.

(5) Impact of the event on the general health, safety and welfare of the Village, including any impact of a prior similar special event.

- C. If permission to hold a special event is granted, the permit shall set forth that no more than 500 persons will be permitted to attend the event at the same time.
- D. A special event permit is not transferable and shall expire at the close of the event for which it is issued.

§ 5. Application fees.

There shall be no fee charged by the Village, excepting the Village may charge for use of Village dumpsters, Code Enforcement Officers, Building Inspector or Fire Marshal.

§ 6. Assemblies for private profit not permitted.

No permit shall be issued authorizing a special event which is proposed to be held purely for private profit and/or where the sole purpose is to advertise any product, goods, wares or merchandise.

§ 7. Penalties for offenses.

- A. Any person who shall use, allow, let or permit to be used property for a special event without having a written permit in accordance with the provisions of this chapter shall be guilty of a violation of this chapter.
- B. A separate offense against this chapter shall be deemed committed on each day during or on which a violation occurred or continues. A separate penalty may be imposed for each separate offense.
- C. For each violation of this chapter, the person violating the same shall be subject to a fine of not more than \$1,000.

D. The Village may enforce the provisions of this Chapter by an action for an injunction and/or declaratory relief.

§ 8. Other approvals.

The provisions of this chapter are not exclusive and applicants remain subject to all other applicable permits as may be required including but not limited to approvals for tents, the sale of alcoholic beverages, fireworks and any further permits as may be required.

SECTION 3. SUPERSESSION.

This Local Law shall supersede any inconsistent law, state or local. This declaration of supersession is made by authority of the Village's municipal home rule law powers, pursuant to §§10(1)(ii)(a)(14) and 10(1)(ii)(e)(3) of the Municipal Home Rule Law, §10(6) of the Statute of Local Governments, and Article 9, §2(b)(3) of the New York State Constitution.

SECTION 4. SEVERABILITY.

Should any part or provision of this local law be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the local law as a whole nor any part thereof other than the part so decided to be unconstitutional or invalid.

SECTION 5. EFFECTIVE DATE.

This local law shall take effect immediately upon filing with the Secretary of State as provided by law.

All persons in interest will be heard by the Board of Trustees at the public hearing to be held as aforesaid and may appear in person or by representative. The Village Hall is accessible to handicapped persons.

Dated: March 5, 2010

BY ORDER OF THE BOARD OF TRUSTEES  
OF THE VILLAGE OF BELLPORT

BY: Scott Augustine,  
Village Clerk