

Local Law -2024

A local law amending Chapter 226 (Special Events, Parades and Public Gatherings) of the Village of Ossining Code.

BE IT ENACTED by the Board of Trustees of the Village of Ossining as follows:

Section 1. Chapter 226 (Special Events, Parades and Public Gatherings) is amended with new matter underlined and deleted matter in **[brackets]**.

§ 226-2 Definitions.

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

EVENT LEVEL

There are **[three]** four event levels: Event Level 1: anticipated attendance of participants, staff, volunteers and others not to exceed 299 as well as staff determination of scope of requested Village support services; Event Level 2: anticipated attendance of participants, staff, volunteers and others between 300 and 499 as well as staff determination of scope of requested Village support services; **[and]** Event Level 3: anticipated attendance of participants, staff, volunteers and others exceeds 500 as well as staff determination of scope of requested Village support services; **and Event Level 4: Anticipated attendance of participants, staff volunteers and others exceeds 500 and/or the event involves street closures, multiple sites and the need for additional Village resources and support staff.**

The Event Level will be determined by the Superintendent of Recreation and Parks or designee in consultation, where necessary, with other Village departments. **Any Event Level 1 event which is more than 6 hours in duration from event set-up to breakdown will be considered a Level 2 event requiring approval of the Special Events Advisory Committee.**

PERSON

An individual, corporation, limited liability corporation, association, not-for-profit corporation, partnership or other business entity.

SPECIAL EVENT

Any temporary gathering, demonstration, performance, exhibition, amusement or activity that is conducted or sponsored by a person, organization, entity or association other than the Village of Ossining, proposed to be held on public property or on private property either affecting public property or requiring village support services. Examples of special events include, but are not limited to, carnivals, circuses, fairs, bazaars, outdoor shows and concerts, parades, religious processions, walks, runs, marathons, bicycle races~~[.]~~. **Special events** **[which]** may involve one or more of the following:

- A. The closing of a public street.
- B. The use, blocking or restriction of village property, roads, or rights-of-way.

- C. The use of amplified sound exceeding the standards set forth in Chapter **178**, Noise, of the Village of Ossining Code.
- D. The sale or service of food and/or alcohol to the public.
- E. The substantial increase or disruption of the normal flow of traffic on any street or highway.
- F. The placement of portable toilets.
- G. The placement of temporary no-parking or directional signs or banners.
- H. Construction and/or installation of temporary structures, including but not limited to a stage.
- I. Installation of a tent exceeding 400 square feet.
- J. The use of Village support services that would otherwise not be necessary in the absence of such an event.

VENDOR

Any person or entity, including an employee or agent of another, who sells, barter, offers to sell or offers to barter services, food, beverages, goods or merchandise. Vendors shall include entities providing alcoholic beverages for consumption and/or sale.

§ 226-5 Application for permit.

- A. Time for submission. The special event permit application form shall be submitted to the Superintendent [of Recreation and Parks] no later than 75 days before the scheduled event. [Application forms that are untimely submitted are subject to denial by the Superintendent] **Late applications will be rejected and not considered for special event permits.**
- B. Application form. The special event application form shall be available through the Department of Recreation and Parks' web page. The Superintendent may require additional documentation or information from the [applicant] **sponsor.**
- [C. No later than 15 days prior to the scheduled special event, the sponsor shall provide the Superintendent with a list of all participating food vendors with contact information; a description of methods to be used for cooking and disposal of grease, et. al where applicable; proof that the food vendors possess the required license from the Westchester County Health Department; and a site plan of all vendor locations with entry and exit points clearly delineated. Failure to timely provide the information in this subsection or to provide incomplete information may result in the denial or rescission of the permit to hold

the special event. No refund will be issued where the event application is denied or the event canceled due to the applicant not timely providing required documents or providing incomplete documents.]

226-6 Fees, insurance, indemnification and other requirements.

- A. Application fee. Application fees for special event permits shall be established and amended from time to time by resolution of the Board of Trustees and [shall] published in the [current] **annual** Village fee schedule. Application fees are nonrefundable.
- B. Insurance. **1) Sponsors-** All sponsors of special events must obtain **commercial** general liability **insurance** [and automobile coverage] with limits of **no less than** \$1,000,000 per occurrence and \$2,000,000 in the aggregate **to protect the Village of Ossining, its agents, officers, officials, employees and volunteers, the sponsor, and any subcontractor from claims for personal injury including accidental death and for claims for property damage that may arise from the sponsor's operations, whether performed by the sponsor itself, any subcontractor or anyone directly or indirectly employed by either of them.** **Commercial automobile insurance on a per occurrence basis will be required in the same amount as the commercial general liability insurance requirement if automobiles are used as part of the event.** The Village of Ossining, **its officers, elected officials, employees and agents** shall be named as additional insureds under the **commercial** general liability and, **where applicable, commercial** automobile liability policies. The insurance shall be on a primary and noncontributory basis with a waiver of subrogation. The **commercial** general liability insurance shall include endorsements extending coverage to all structures constructed and/or brought to the special event, including but not limited to **rides**, stages, tents, portable restroom facilities, dumpsters and generators. **Should the event require the construction, set-up and/or placement of such structures, the sponsor, in addition to the aforementioned coverage shall provide to the Village certificates of insurance from the entities providing the structures which certificates for commercial general liability and, where applicable, commercial automobile insurance shall have limits of no less than that required for the sponsor.** [If alcohol is to be sold and/or charged for, additional liquor law liability coverage of \$1,000,000 shall be obtained with a certificate of insurance naming the Village of Ossining, as additional insured. If alcohol is being served but not sold, additional host liability coverage of \$1,000,000 shall be obtained with a certificate of insurance naming the Village of Ossining as an additional insured.] **If the sale or consumption of alcoholic beverages at the event is authorized, then liquor liability and/or host liability insurance with limits of no less than \$1,000,000 per occurrence will be required. Such insurance shall name the Village of Ossining, its officers, elected officials, employees and agents as additional insureds.** [Also, proof] **Proof** of statutory workers compensation and disability insurance coverage shall be provided for all **of the sponsor's** employees participating in the event [where applicable]. The aforementioned insurance policies shall not be cancellable **or modified** without at least 30 days' prior written notice to the Village, such notice to be provided to the Superintendent [and the Village's Corporation Counsel]. All certificates of insurance [along with associated insurance policies] **and where necessary proof of statutory workers compensation and**

disability coverage shall be provided to the [Corporation Counsel] Superintendent no later than [15] 30 days prior to the scheduled event. Failure to provide the required insurance information [may lead] shall result in [to] the cancellation or postponement of the event.

2) Vendors and event participants other than food and beverage vendors- Unless specifically covered by the sponsor's insurance (proof of which must be provided to the Village), such vendors and event participants shall provide commercial general liability and commercial automobile insurance with policy limits similar to that required of the event sponsor including statutory workers compensation and disability coverage.

Certificates of insurance naming the Village of Ossining, its officers, elected officials, employees and agents as additional insureds and where necessary, proof of statutory workers compensation and disability coverage shall be provided to the Superintendent no later than 15 days prior to the scheduled event. Failure to provide the required insurance information will result in the vendor or other event participant being unable to participate in the event. 3) Food and beverage vendors- Such vendors, regardless of whether coverage is afforded through the sponsor's insurance shall provide proof of insurance similar to that required of the event sponsor including statutory workers compensation and disability. Any vendors selling or serving alcoholic beverages at the event shall provide proof of liquor liability insurance with limits similar to that required of the sponsor. Certificates of insurance naming the Village of Ossining, its officers, elected officials, employees and agents as additional insureds and where necessary, proof of statutory workers compensation and disability coverage shall be provided to the Superintendent no later than 15 days prior to the event. Failure to provide the required proof of insurance will result in the food and beverage vendor being unable to participate in the event.

[In addition to the aforementioned insurance requirements, should the event require the construction and/or installation of structures, including portable restrooms, dumpsters for trash, tents and/or temporary structures, the sponsor shall provide certificates of insurance from the entities supplying the portable restrooms, dumpsters, tents, generators and/or temporary structures showing general liability and, where applicable, automobile liability. The Village reserves the right to review the coverage requirements where so warranted.] The insurance requirements listed above are minimum requirements subject to increase if the special event so warrants.

- C. Indemnification, [and] hold harmless and license agreement. The sponsor shall submit a fully executed indemnification, hold harmless [agreement] and license agreement in a form satisfactory to the Village Corporation Counsel, by which the sponsor shall indemnify and save harmless the Village, its agents and employees, including elected officials, from and against all claims, damages, loss and expense (including but not limited to attorneys' fees) [arising out of or resulting from the permitted activity,] sustained by any person or persons, arising out of or resulting from the permitted activity, provided that any such claim[s], damage, loss or expense is attributable to bodily injury, sickness, disease or death, or to injury to or destruction of property caused by the tortious or negligent act of omission of the sponsor, the sponsor's employees, agents, subcontractors and event participants. The signed [hold harmless] agreement shall be provided to the Superintendent no later than 15 days prior to the scheduled event. Failure to timely

provide the required agreement shall result in the cancellation or postponement of the event.

D. No later than 15 days prior to the special event, the sponsor shall provide the Superintendent with a list of all participating vendors with contact information; for food vendors, where applicable, a description of methods to be used for cooking and disposal of grease; proof that the food vendors possess the required license from the Westchester County Health Department; for vendors selling and/or serving alcoholic beverages, proof of that the New York State Liquor Authority has issued the required license; and a site plan of all vendor and participant locations with entry and exit points clearly delineated. Failure to timely provide the information in this subsection or to provide incomplete information may result in the denial or rescission of the permit to hold the special event.

[D]E. Security deposit. The Superintendent and/or the Special Events Advisory Committee shall require the sponsor to provide a security deposit in an amount to be determined for clean-up expenses and for compliance with permit conditions. If the sponsor fails to honor the permit conditions or to adequately clean up the property after the event, the Village may use such portion of the security deposit as is required.

[E]F. Approval to conduct a special event by the process described in this chapter does not relieve the sponsor or any participant, including but not limited to food vendors and those who are selling and/or distributing alcoholic beverages, from the responsibility of applying for and obtaining any other permits or licenses or meeting any other requirements which may be applicable for the special event.

[F]G. Following receipt of the application, the Superintendent shall notify the sponsor in writing that the date(s) for the special event has been tentatively approved subject to receipt of outstanding documents, possible review by the Special Events Advisory Committee and payment of fees. Upon receipt of this tentative approval, the sponsor may begin to advertise the special event.

[G]H. All banner permit applications for the special event shall be submitted at least 30 days prior to the special event to the Superintendent. **Late [B]banner** applications [submitted fewer than 30 days prior to the special event] will not be accepted. Banner display dates and locations will be granted on a first-come first-served basis.

§ 226-7 Review of permit application.

The Superintendent shall review the application for special event permits. No permit shall be issued where the application is found to be incomplete and/or requested information has not been provided. [If the application is found to be incomplete, the] **The** Superintendent shall notify the sponsor [that] **if** the application is incomplete. Upon receipt of a complete application, the Superintendent shall determine the event level of the proposed special event in consultation with other Village departments where necessary. For Event Level 1, if it is determined by the Superintendent that total attendance at the event will be 299 or

fewer and, support services, if any, will only be required from the Department of Recreation and Parks, the Superintendent may grant the permit upon payment by the applicant of all fees[, submission of certificates of insurance] and security deposit. For Event Levels 2, [and] 3, 4 and for those proposed special events under Event Level 1 where support services from other Village departments will be needed or where the Superintendent concludes that the application should be denied, the Superintendent shall promptly forward the application to the Special Events Advisory Committee members pursuant to § 226-8. In addition to forwarding the application to the Special Events Advisory Committee, the completed application will be distributed to the appropriate Village departments. Information from the Village departments may be used in establishing terms and conditions under which an event may be conducted when the use of support services is determined to be necessary.

§ 226-8 Special Events Advisory Committee.

- A. Composition of the Special Events Advisory Committee (SEAC). The SEAC shall be composed of the following officials or their designees:
 - (1) Village Manager, who shall serve as SEAC chairperson.
 - (2) Superintendent of Recreation and Parks.
 - (3) Police Chief.
 - (4) Chief Engineer of the Fire Department.
 - (5) Captain of the Ossining Volunteer Ambulance Corps.
 - (6) Village Engineer.
 - (7) Building Inspector.
 - (8) Director of Planning or Planning Consultant.
 - (9) Corporation Counsel.
- B. Responsibilities of the SEAC. The SEAC is responsible for reviewing, evaluating, approving or disapproving all applications for Event Levels 2, [and] 3, 4 and those Event Level 1 applications referred by the Superintendent. The SEAC shall consider among other things, the number of anticipated attendees, required Village support services and the Village's ability to provide such services.
- C. Authority of the SEAC. The SEAC may:
 - (1) Approve or disapprove an application as submitted. If the application is disapproved, the SEAC shall state in writing the reason(s) for the disapproval.

- (2) Establish the terms and conditions for the special event. Terms and conditions may include, but are not limited to location, timing, scope and/or financial arrangements.
- D. SEAC procedures. [The SEAC shall be subject to the provisions of the Open Meetings Law (Public Officers Law Article 7). Meetings shall be open to the public and noticed as required by law. Five members of the SEAC shall constitute a quorum for conducting business. Decisions shall be made by a majority vote of the SEAC membership.] The Superintendent shall forward applications to the SEAC [chairperson] **members who will review the application and recommend that the application be approved, approved with conditions or denied.** [within two business days of receipt.] [The SEAC chairperson shall call a meeting of the SEAC and provide the SEAC with the application and any attachments. [Except for unusual circumstance, the meeting should be held no later than five business days after the SEAC application is forwarded to the chairperson.] **A decision denying an application or granting the application with conditions will be in writing and sent to the sponsor by certified mail return receipt requested and to the email address on the application.** [The SEAC shall issue its written decision within two business days of the meeting, unless additional information has been requested. The SEAC's decision shall not be issued fewer than twenty-five calendar days before the scheduled special event.] If the application is denied or includes [modifications] **conditions** not agreed to by the [applicant] **sponsor**, the [applicant] **sponsor** may appeal the SEAC's decision to the Board of Trustees, which at a public meeting shall decide to affirm, modify or reverse the SEAC's determination.

E. Appeals of SEAC decision

- (1) **The sponsor/applicant may appeal the SEAC's decision by filing a written appeal with the Corporation Counsel within 5 business days of the decision.**
- (2) **The appeal shall include a copy of the SEAC's decision and a statement explaining why the decision should be modified or reversed.**
- (3) **The Corporation Counsel shall fix a time and place for the hearing before the Board of Trustees. The hearing notice shall be served upon the sponsor by certified mail, return receipt requested and to the email address noted on the application. The SEAC chairperson or designee also shall receive notice of the hearing and shall be entitled to appear and defend the SEAC's decision.**
- (4) **The decision of the Board of Trustees on any appeal from the SEAC's decision shall be final and conclusive. The board's decision will be served upon the applicant/sponsor by certified mail, return receipt requested and to the email address included with the application.**

§ 226-9 Denial, amendment, modification, rescission or termination of permit.

- A. The SEAC may deny a special permit for any of the following non-exclusive factors: there are inadequate Village resources available to protect the health, safety, property and

general welfare of the residents and property owners of the village or the safety of participants and/or attendees at the event; the special event has been the subject of a violation or has had any adverse impacts on the surrounding property in the Village within the last two years; the special event does not provide for sufficient services or facilities; a high probability of disorderly conduct likely to endanger public safety or to result in significant property damage may result from the special event; or a prior application for another special event on the same date has received temporary approval or issuance of a special permit.

- B. Once a special event permit has been issued, any proposed amendment or modification to the permit shall be submitted in writing to the Superintendent promptly but no later than ~~[three]~~ **3** business days prior to the event. Such amendment or modification may include by example, the identity of the event sponsor, date of the event, the location or route of the event, the number of attendees or the addition of tents or other structures, alcohol or food. For an Event Level 1 permit granted by the Superintendent, the Superintendent shall review the proposed amendment or modification and shall have the discretion to rescind or modify the permit due to changed conditions. For Event Types 2, ~~[and]~~ **3, 4** and Event Type 1 determined by the SEAC, the Village Manager shall review the proposed amendment or modification and upon consultation with staff shall have the discretion to rescind or modify the permit due to changed conditions.
- C. If, after the special event permit has been issued, a determination is made that any of the representations and/or statements contained in the application, including requested documents were materially false, the Village Manager or designee, ~~[may]~~ **shall** rescind ~~[or modify]~~ such permit. **No refund will be issued if the permission for the event is rescinded due to materially false statements or representations.**
- D. If at the time of the scheduled special event it is determined that any of the permit conditions are not being complied with, the Village Manager or designee, may terminate or suspend the event until such conditions are satisfied. Village staff may take all necessary actions to effectuate the Village Manager's determination. **No refund will be issued if the event is terminated or suspended where permit conditions are not being complied with.**
- E. In addition to the authority to suspend or terminate a special event pursuant to § **226-9D**, the Village Manager or designee may suspend or terminate the special event or any portion thereof that is determined to present an imminent hazard to the health, safety, property or general welfare of the residents and property owners of the Village or the safety of participants and/or attendees at the special event.
- F. ~~[In the event that]~~ **If** a special event permit is rescinded prior to the scheduled event date, the sponsor may appeal such determination to the Board of Trustees in writing **in accord with the provisions in section 226-8E**. Following a public meeting, the Board of Trustees may affirm, ~~[or]~~ **modify or [overturn] reverse** the ~~[rescission]~~ **decision of the Village Manager or Superintendent.**

G. No refund will be issued where the application is denied or the event is canceled due to the applicant not providing required documents in a timely manner or providing incomplete documents.

§ 226-10 Notification to property owners and business owners.

Upon determining that the proposed date for the special event is tentatively approved (§ ~~[226-6F]~~ **226-6G**), the Superintendent shall advise the sponsor of its responsibility to notify all property owners and business owners located within 50 feet of the location of the special event. The notice shall be sent out by regular mail within 20 calendar days after notice from the Superintendent using the property owners' addresses on the most recent tax roll and business owners' addresses obtained from available sources. Such notice shall include the sponsor's name, telephone number and email address, special event date, time, location and rain date and such other information as required by the Superintendent. Proof of mailing upon the property owner(s) and business owner(s) shall be provided to the Superintendent within 20 calendar days of mailing.

Section 2. Effective date.

This local law shall be effective upon filing with the Secretary of State pursuant to the Municipal Home Rule Law.