

**Council Member Kimbrough introduced the following, which was approved:**

**ORDINANCE 77.122.23 (As Amended 3/4/2024)**

**AN ORDINANCE AMENDING PART II (GENERAL LEGISLATION) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO UPDATING THE PROCESS FOR SPECIAL EVENT PERMITS**

*The City of Albany, in Common Council convened, does hereby ordain and enact:*

**Section 1.** Section 26 (Permits for Special Events) of Chapter 105 (Alcoholic Beverages) of Part II (General Legislation) of the Code of the City of Albany is hereby by amended to read as follows:

**§105-26 (~~Permits for Special Events~~) Reserved**

- A. ~~At least twenty (20) business days prior to the proposed date of any special event, any person twenty one (21) years of age or older may apply to the City Clerk of the City of Albany, on his own behalf or on behalf of an organization, for a special event permit to possess and consume alcoholic beverages described herein during or in the conduct of any special event. For good cause, the City Clerk may waive the requirement that the application be made at least twenty (20) business days prior to the proposed special event.~~
- B. ~~The application shall contain the following information:~~
- ~~(1) The name(s) of the applicant(s) and the address and telephone number of each. If the applicant is an organization, the name and address of the organization and its officers shall be given.~~
  - ~~(2) The purpose of the special event, the proposed location of the special event, the proposed date(s) and times of operation, the number of persons expected to attend, the security measures planned, what precautions will be taken to ensure that minors will not be served nor allowed to consume alcoholic beverages, and what steps will be taken to ensure the proper cleanup and restoration of the premises, after use, to its prior condition.~~
  - ~~(3) Such other information as the City Clerk may deem reasonably necessary.~~
- C. ~~A fee of \$11 shall be required for a special event permit application, whether or not a permit is issued for a special event.~~
- D. ~~Where the City Clerk of the City of Albany shall determine from the information provided in the application for a special event permit that the public health, safety and general welfare of the City of Albany will not be endangered by the granting of such a permit, and acting upon the recommendations of the appropriate officials of the City of~~

Matter in ~~strikethrough~~ to be deleted. Matter underlined is new material.

~~Albany, he shall issue a permit, setting forth the location, number of persons, date and times for which the permit is effective, conditioned upon the applicant's written agreement to comply with the terms of such permit.~~

- ~~E. Upon denial by the City Clerk of an application made pursuant to Subsection A hereof, the applicant may appeal the determination of the City Clerk to the Mayor of the City of Albany or his designee by filing a written notice of appeal within five (5) days of denial.~~
- ~~F. A special event permit issued by the City Clerk authorizing the possession and consumption of alcoholic beverages at a special event shall be conspicuously displayed at such special event.~~
- ~~G. It shall be the responsibility of any police officer of the City of Albany Police Department, after his finding that the provisions of the permit for special events are not being followed, to immediately revoke such permit upon the authority of the Chief of Police or his designee. The person or organization to whom the permit was issued may appeal such revocation to the Mayor of the City of Albany by filing a written notice of appeal.~~

**Section 2.** Part II (General Legislation) of the Code of the City of Albany is hereby by amended by adding a new chapter 309 (Special Events) to read as follows:

### **Chapter 309 (Special Events)**

#### **§ 309-1 Permits for Special Events.**

- ~~A. At least thirty (30) days prior to the proposed date of any Special Event, any person twenty-one (21) years of age or older may apply to the City Clerk of the City of Albany, on his own behalf or on behalf of an organization, for a special event permit. For good cause, the City Clerk may waive the requirement that the application be made at least thirty (30) business days prior to the proposed special event.~~
- ~~B. The application shall contain the following information:~~
- ~~(1) The name(s) of the applicant(s) and the address and telephone number of each. If the applicant is an organization, the name and address of the organization and its officers shall be given..~~
  - ~~(2) The purpose of the special event, the proposed location of the special event, the proposed date(s) and times of operation, the number of persons expected to attend, the security measures planned, and what steps will be taken to ensure the proper cleanup and restoration of the premises, after use, to its prior condition.~~
  - ~~(3) Such other information as the City Clerk may deem reasonably necessary.~~

(4) Whether Alcohol or Cannabis will be available for purchase or consumption.

C. The City Clerk of the City of Albany shall set separate application fees for both a one-time and recurring Special Event.

D. Where the City Clerk of the City of Albany shall determine from the information provided in the application for a special event permit that the public health, safety and general welfare of the City of Albany will not be endangered by the granting of such a permit, and acting upon the recommendations of the appropriate officials of the City of Albany, they shall issue a permit, setting forth the location, number of persons, date and times for which the permit is effective, conditioned upon the applicant's written agreement to comply with the terms of such permit.

### **§ 309-2 Cannabis Growers Showcases and Alcohol**

A. Definitions

#### **Lead Contact**

Lead Contact means an individual twenty-one (21) years of age or older at management level designated by a Cannabis Growers Showcase (CGS) or Alcohol Vending Event (AVE) Organizer to be responsible to perform or oversee the performance of the tasks at the Special Event.

#### **Employee in Charge**

Employee in Charge means an individual twenty-one (21) years of age or older at management level designated by a CGSs or AVEs to be responsible to perform or oversee the retail activities at the Special Event.

B. Permits for Cannabis Growers Showcases and Alcohol Vending Events.

(1) The Clerk shall accept applications for Cannabis Growers Showcases up until 20 days before the Office of Cannabis Management closes applications for Cannabis Grower Showcases and shall reopen the approval process whenever the Office of Cannabis Management opens the application process.

(2) In addition to all requirements under §144-1(B), applications for CGSs or AVEs shall contain the following information:

(a) The names of all dispensaries, cultivators, or Alcohol Vendors who will be participating, and the address and telephone numbers of each.

(b) The names and addresses the lead contact as well as the employee in charge for each participating cannabis or alcohol vendor.

(c) The proposed location of the CGS or AVE, the proposed date(s) and times of operation, the number of persons expected to attend, the security measures planned, what precautions will be taken to ensure that minors will

not be served nor allowed to consume cannabis or alcohol, and what steps will be taken to ensure the proper cleanup and restoration of the premises, after use, to its prior condition.

- (d) Such other information as the City Clerk may deem reasonably necessary.
- (3) The City Clerk shall set a surcharge if Alcohol or Cannabis will be available for purchase or consumption at a special event.
- (4) The City Clerk of the City of Albany shall set separate application and establish a fee for the addition of a CGS or AVE to an already approved special event.
- (5) Where the City Clerk of the City of Albany shall determine from the information provided in the application for a special event permit that the public health, safety and general welfare of the City of Albany will not be endangered by the granting of such a permit, and acting upon the recommendations of the appropriate officials of the City of Albany, they shall issue a permit, setting forth the location, number of persons, date and times for which the permit is effective, conditioned upon the applicant's written agreement to comply with the terms of such permit.
- (6) A CGS Permit or AVE Permit issued by the City Clerk authorizing the sale and possession of cannabis products at a special event shall be conspicuously displayed at such special event.

### **§309-3 Appeals**

Upon denial by the City Clerk of an application made pursuant to this chapter, the applicant may appeal the determination of the City Clerk to the Zoning Board of Appeals by filing a written notice of appeal within five (5) days of denial.

### **§309-4 Police Oversight of Special Events**

It shall be the responsibility of any police officer of the City of Albany Police Department, after his finding that the provisions of the permit for Special Events, AVEs, or CGSs are not being followed, to immediately revoke such permit upon the authority of the Chief of Police or his designee. The person or organization to whom the permit was issued may appeal such revocation to the Zoning Board of Appeals by filing a written notice of appeal.

**Section 3.** This ordinance shall take effect 30 days from final passage.

**APPROVED AS TO FORM THIS  
4<sup>TH</sup> DAY OF MARCH, 2024**

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**Corporation Counsel**

**To:** Shaniqua Jackson, Acting City Clerk  
**From:** Jake Eisland, Esq., Research Counsel  
**Re:** Common Council Legislation  
Supporting Memorandum  
**Date:** December 7, 2023  
**Sponsor:** Council Member Kimbrough

**ORDINANCE 77.122.23**

**TITLE**

A LOCAL LAW AMENDING PART II (GENERAL LEGISLATION) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO UPDATING THE PROCESS FOR SPECIAL EVENT PERMITS

**GENERAL PURPOSE OF LEGISLATION**

To revise the special vents application procedure to create a fair system which includes both approval for Alcohol sales and Cannabis Growers Showcases.

**NECESSITY FOR LEGISLATION AND CHANGES TO EXISTING LAW**

There is no current system to apply to host a Cannabis Growers Showcase (CGS). While the Clerk's office is using a makeshift structure inspired by the Cabaret process, that method is not appropriate for a CGS due to the large amount of time required and unnecessary requirements like occupancy permits. Simultaneously, our special event laws are outdated and entirely focused on the alcohol component. This legislation would center the special event portion and create a more transparent procedure for special event approval.

**FISCAL IMPACT(S)**

None.

**Passed by the following vote of all the Council Members elected voting in favor thereof:**

*Ordinance 77.122.23 was co-sponsored by Council Members Adams, Anane, Balarin, Farrell, Flynn, Hoey, Keegan, Robinson, and Zamer*

Affirmative – Adams, Anane, Balarin, Clarke, Farrell, Flynn, Hoey, keegan, Kimbrough, Robinson, Romero, and Zamer

Affirmative: 12 | Negative: 0 | Abstain: 0

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Clerk of the Common Council

\_\_\_\_\_  
President of the Common Council

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

I, Shaniqua Jackson, City Clerk and Clerk of the Common Council, do hereby certify that Ordinance 77.122.23 was passed at a meeting of the Albany Common Council on March 4, 2024.

In affirmation thereof, I hereto set my hand and affix The Seal of the City of Albany this 11th day of April, 2024.

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Shaniqua Jackson, Clerk of the Common Council