

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCILMAN DUGAN, WHO MOVED ITS ADOPTION,
SECONDED BY COUNCILWOMAN POPE, TO WIT:

WHEREAS, the Town Board of the Town of Newstead, New York, previously adopted its Special Events Permits Law by Local Law No. 9 of the Year 2012 (the "Special Events Permits Law"); and

WHEREAS, the Town Board has determined that it is in the best interest of the Town of Newstead to update the Special Events Permits Law; and

WHEREAS, Councilmember Dugan introduced the following proposed "Local Law No. 1 of the Year 2023" known as "2023 Amendment No. 1 to the Special Events Permits Law" and presented a copy to each member of the Town Board, a copy of which is attached hereto and made a part hereof:

A Local Law known as Local Law No. 1 of the Year 2023 entitled "2023 Amendment No. 1 to the Special Events Permits Law."

Be it enacted by the Town Board of the Town of Newstead as follows:

SECTION 1. TITLE

This Law shall be known as Local Law No. 1 of the Year 2023 entitled "2023 Amendment No. 1 to the Special Events Permits Law."

SECTION 2. PURPOSE

The purpose of this local law is to update the Town's Code regarding special events permits for clarity of application and enforcement.

SECTION 3. AMENDMENT OF PRIOR LAW

Chapter 450-76.1 of the Code of the Town of Newstead, originally adopted on December 27, 2012 by Local Law No. 9 of the Year 2012 is further amended as follows:

Introductory paragraph is amended to read as follows:

The Town Board of the Town of Newstead has determined that in order to maintain and preserve public health and safety there is a need to have some control over special events that are scheduled to take place in the Town of Newstead outside of the Village of Akron. For purposes of this section, a "special event" shall be an event that is preplanned to occur within the Town of Newstead and is anticipated to result in attendance by 50 or more persons and shall include special events and/or holiday events such as Fly-in Days for the Akron Airport, the Pumpkin Festival, in addition to other events throughout the Town of Newstead; a fireworks display of any kind is also a "special event." Private parties, including, but not limited to, graduation parties, wedding celebrations and birthday parties, shall be excluded from the special event permit requirements, provided that all the parking for such event is on private property and only on one side of the public right-of-way as will be golf tournaments conducted at golf courses. Such special events shall exclude events that are scheduled to occur solely within a completely enclosed building that has been constructed expressly for the conduct of special events such as the Western New York Exhibition Center or other similar center. Special event permits shall provide for hours of operation of the special event.

Section 450-76.1(A) is amended to read as follows:

Application for permit. The person or organization that wishes to conduct a special event shall file an application with the Building Department for approval of a permit to conduct such special event. Such application for a special event permit shall include the following information:

Section 450-76.1(A)(1) is amended to read as follows:

The proposed date or dates for the special events and the hours during which such special event(s) is/are to be conducted.

Section 450-76.1(A)(5) is amended to read as follows:

A special event permit fee of \$100 shall be required for a special event. Such special event permit fee shall be waived in the case of community-based special events such as the Fourth of July Celebration and other similar events.

Section 450-76.1(B) is amended to read as follows:

Upon receipt of the application for a special event permit, the Building Department of the Town of Newstead shall review the application for completeness. If some information is lacking or believed to be insufficient, the Building Department shall request supplementary information. Once the application is deemed to be complete, if it meets with the approval of the Code Enforcement Officer, the Building Department shall issue the special event permit which permit shall, among other things, establish and set forth the approved hours for such special event. The hours for such special event shall not extend beyond 11:00 p.m. The permit may require additional restroom facilities, traffic control and security measures beyond those set forth in the application.

Section 450-76.1(C) is amended to read as follows:

All special events must comply with the Noise Law set forth at §450-89.

Section 450-76.1(D) is amended to read as follows:

Failure of the applicant to abide by the Terms and Conditions of the special event permit shall be deemed a violation of the Code of the Town of Newstead and will void the permit. Failure to abide by the Terms and Conditions or any conduct inconsistent with the approved special event permit may result in the event being shut down by the Code Enforcement Officer, may subject the applicant to a penalty of \$250 per violation, and may be grounds for denial of future requests for a special events permit.

Section 450-76.1(E) is amended to read as follows:

Failure to obtain a special event permit prior to holding a special event as set forth herein shall constitute a violation of the Code of the Town of Newstead and will subject the property owner on which a special event was conducted to a penalty in the minimum amount of \$250 per violation. Any such special event that is conducted without a permit shall be required to be immediately shut down following the issuance of a violation(s) notice by the Code Enforcement Officer of the Town of Newstead. A second subsequent violation shall result in a penalty in the minimum amount of \$300 per violation.

SECTION 4. SEVERABILITY

If any portion, subsection, sentence, clause, phrase or portion thereof of this local law is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portion thereof.

SECTION 5. WHEN EFFECTIVE

This Local Law shall become effective immediately upon its filing in the office of the Secretary of State.

NOW, THEREFORE, IT IS HEREBY ORDERED AS FOLLOWS;

A hearing before the Town Board of the Town of Newstead, in the County of Erie shall be held at the Town Hall, 5 Clarence Center Road, Akron, New York at 7:20 p.m. on the 13th day of March 2023, for the purpose of hearing all persons interested in the proposed Local Law No. 1 of the Year 2023; and

BE, IT FURTHER ORDERED, that the Town Clerk is directed to (a) publish a notice of public hearing in the Akron Bugle, designated as the official newspaper for this publication, such publication to be not less than ten days before the date of the public hearing; and post as required by law one copy of the Notice of Public Hearing no later than the day such Notice is published; (b) notify by mail all parties of interest pursuant to the General Municipal Law and the Town Law of the Public Hearing, not less than ten days before the date of the Public Hearing; and (c) send notice to Erie County Department of Environment and Planning as required under Section 239-m of the General Municipal Law; and

BE, IT FURTHER ORDERED, that the Town Clerk is to make copies of the proposed "Local Law No. 1 of the Year 2023, entitled "2023 Amendment No. 1 to the Special Events Permits Law," available at her office for inspection and distribution to any interested person during business hours.

The question of the adoption of the foregoing order was duly put to roll call vote at a regular meeting of the Town Board on February 20, 2023, the results of which were as follows:

Councilmember	Pope	Voted	AYE	
Councilmember	Burke	Voted	AYE	
Councilmember	Dugan	Voted	AYE	
Councilmember	Jendrowski	Voted	AYE	
Supervisor	Cummings	Voted	ABSENT	CARRIED

LEGAL NOTICE
NOTICE OF PUBLIC HEARING
TOWN OF NEWSTEAD, NEW YORK

PLEASE TAKE NOTICE, that there has been presented to the Town Board January 30, 2023, for adoption a proposed Local Law to be known as “Local Law No. 1 of the Year 2023” entitled "2023 Amendment No. 1 to the Special Events Permits Law." The proposed Local Law will update the Town’s Code regarding Special Events Permits.

THEREFORE, pursuant to the Municipal Home Rule Law Rules and Local Law No. 1 of the Year 2023, the Town Board of the Town of Newstead shall hold a Public Hearing on the aforesaid Local Law at the Town Hall, 5 Clarence Center Road, Akron, New York at 7:20 p.m. on the 13th day of March 2023, at which time persons interested may be heard. Copies of the aforesaid proposed Local Law are available at the office of the Town Clerk for inspection and distribution to any interested person during business hours. The meeting room is wheelchair accessible. Those needing special arrangements should call the Town Hall at 542-4573 by March 8, 2023.

Dated: February 20, 2023

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF NEWSTEAD

RESOLUTION ADOPTING
DETERMINATION OF NON-SIGNIFICANCE
OF
LOCAL LAW

Motioned by Councilman Dugan, seconded by Councilwoman Pope

WHEREAS, the Town Board of the Town of Newstead is considering adoption of a Local Law which would update the Town's code regarding special events permits; and

WHEREAS, the Town Board has reviewed the Short Form EAF submitted and has determined that the proposed action will not have a significant impact on the environment.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Newstead, after considering the action proposed herein, reviewing the criteria contained in Section 617.11 of the Rules and Regulations of the SEQR Regulations and thoroughly analyzing the project with respect to potential environmental concerns, determines that the proposed action will not have a significant effect on the environment and that no further action is required by the Town Board under SEQR.

The question of the adoption of the foregoing negative declaration was duly put to a roll call vote at a regular meeting of the Town Board on February 20, 2023 the results of which were as follows:

Councilmember	Pope	Voted	AYE	
Councilmember	Burke	Voted	AYE	
Councilmember	Dugan	Voted	AYE	
Councilmember	Jendrowski	Voted	AYE	
Supervisor	Cummings	Voted	ABSENT	CARRIED

COUNCILMAN DUGAN MOVED THE ADOPTION OF THE
FOLLOWING LOCAL LAW NO. 1 OF THE YEAR 2023,
SECONDED BY COUNCILWOMAN POPE

WHEREAS, the Town Board of the Town of Newstead is seeking to update its Local Law regarding Special Events Permits to provide clarity in application and enforcement; and

WHEREAS, the Town Board requested comments from the Planning Board, which were received on March 6, 2023 and considered; and

WHEREAS, a public hearing was held on March 13, 2023 at which time interested persons were heard; and

WHEREAS, the Town Board requested comments from Erie County Planning and was advised on March 23, 2023 that no recommendations were made; and

WHEREAS, the Town Board previously determined that the proposed action would not have a significant impact on the environment and a determination of non-significance was adopted; and

NOW, THEREFORE, BE IT

RESOLVED, that the following local law as set forth fully below is hereby adopted:

A Local Law known as Local Law No. 1 of the Year 2023 entitled "2023 Amendment No. 1 to the Special Events Permits Law."

Be it enacted by the Town Board of the Town of Newstead as follows:

SECTION 1. TITLE

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If any portion, subsection, sentence, clause, phrase or portion thereof of this local law is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portion thereof.

SECTION 5. WHEN EFFECTIVE

This Local Law shall become effective immediately upon its filing in the office of the Secretary of State.

The above local law was duly put to a roll call vote at a regular meeting of the Town Board held on March 27, 2023, the results of which were as follows:

Councilmember Dugan	AYE
Councilmember Burke	AYE
Councilmember Jendrowski	AYE
Councilmember Pope	AYE
Supervisor Cummings	ABSENT