

**RESOLUTION # - 2014**

WHEREAS, the attached local law adopting the Events Code was introduced by the Board of Trustees of the Village of Rhinebeck on January 14, 2014, and

WHEREAS, a public hearing was held on February 25, 2014 at 7:00 p.m. at the Village Hall, 76 East Market Street, Rhinebeck, New York, notice of said hearing having been provided in accordance with law and at which time all interested parties had an opportunity to be heard; and

WHEREAS, the Board of Trustees of the Village of Rhinebeck determined this action to be an unlisted action based on the criteria found in 6 NYCRR, Section 617.4 and has determined that there are no adverse environmental impacts associated with the adoption of this Local Law, and the Village Board hereby issues a Negative Declaration in connection with the adoption of this Local Law;

NOW THEREFORE BE IT ENACTED, by the Board of Trustees of the Village of Rhinebeck the following:

**VILLAGE OF RHINEBECK EVENTS CODE**

**§121-1 Purpose**

It is the purpose of this ordinance to preserve the public peace and maintain good order within the Village of Rhinebeck thereby insuring the safety, health, welfare, and well-being of persons or property by regulating assemblies and other gatherings of persons for events held in public places within the Village consistent with the rights and privileges of its residents.

**§121-2 Definitions**

(1) The word "person" shall mean any individual, group of individuals, firm, company, association, society, partnership, corporation, or any other legal entity.

(2) The words "public place" shall mean a place to which the public is invited or has access.

(3) The word "event" shall mean an arranged, non-routine activity within the village, that brings together an assemblage or gathering of a group of 250 or more people.

(4) The word "sponsor" describes any person as defined in this ordinance who initiates the process of applying for a permit to hold an event within the Village of Rhinebeck.

#### §121-3 Permit Process

A. No person shall sponsor, conduct or hold an event of any kind in the public areas of the Village of Rhinebeck which will require additional planning or resources on the part of the Village or which could have an adverse impact on its ability to respond to an emergency or protect its residents without first receiving the approval of the Board of Trustees and obtaining a permit from the Village.

B. The sponsor of any event, as defined herein, is required to make application to the Board of Trustees for review by the village and/or any of its designated departments or agencies no less than 180 days prior to the date(s) of the planned event on an application form to be provided by the Village Clerk. The Board of Trustees will notify the sponsor of its decision in writing no later than 120 days prior to the scheduled event. The Village reserves the right to require additional information after the submission of the application which it deems appropriate and necessary for its review. The Village further reserves the right to modify or waive the requirement for an event application or the number of days required herein for filing or notification when appropriate under the circumstances.

C. In making its determination, the Board of Trustees will consider among other criteria: (1) the sponsor's successful experience in holding a prior event; (2) the sponsor's capacity to adequately manage the event it is seeking to hold; (3) the exceptional demands placed upon the Village's infrastructure by the event and the Village's ability to respond to an emergency or disaster; (4) the time of the year that the event will be held and whether more than one event is being applied for in the same time period; and (5) the additional planning, preparedness, and mitigation efforts required of the Village's emergency response and public safety agencies.

D. The Board of Trustees may, if it deems it necessary and appropriate, request more information from an applicant, to require that a fee be paid by the sponsor in an amount to be determined by the Board of Trustees to reimburse the Village for any direct necessary review expenses, and impose conditions on its approval. The Board of Trustees may deny any application without recourse which, in its judgment, will in any way jeopardize the safety, health and well-being of the residents of the Village.

#### §121-4 Insurance

No permit shall be issued unless the applicant shall furnish the Village with a comprehensive liability insurance policy naming the village as an additional insured against liability for damage to person(s) or property with limits of not less than \$1,000,000 for each occurrence for bodily injury or death and for property damage

sufficient in form to provide the village with a defense against any causes of action which might be alleged by reason of the granting of the permit or the conduct of the assembly or gathering. Such policy shall be non-cancellable without 10 days prior written notice to the Village. The applicant shall also furnish the Village with a written hold-harmless agreement for any loss or damage above and beyond the amount of the insurance coverage.

#### §121-5 Revocation of Permit

The Village reserves the right to revoke any permit after it is issued if it is determined that the sponsor misrepresented information provided in the application, omitted information in the application which would have resulted in a denial by the village, or where the sponsor failed to comply with conditions imposed in the approval of the permit by the Village. Upon revocation, the permit shall become null and void.

#### §121-6 Violations

The following shall be deemed to constitute a violation of this Chapter:

- A. Failure to obtain a permit for an event for which a permit is required.
- B. Failure to present a permit to an enforcement officer upon request of such officer.
- C. Refusal to permit inspection by an enforcement officer to inspect the premises covered by the permit during the event.
- D. Failure to comply with permit conditions or to undertake actions for the control of traffic, parking, noise, lighting, refuse and the like.
- E. The use of one or more signs which are not authorized by the permit.
- F. The failure to comply with any other requirement or restriction imposed by this Chapter.

#### §121-7 Penalties

- A. For each violation of a provision of this Chapter, the person violating the same shall be subject to a fine of not more than \$1,000 for each separate violation.
- B. Any person violating this chapter shall be subject to a civil penalty enforceable and collectible by the village in the amount of \$100 each day for each offense.
- C. In addition to the above provided penalties, the Village may also maintain an action or proceeding in the name of the Village in a court of competent jurisdiction to compel

compliance with or to restrain by injunction the violation of any provision of this chapter.

§121-8 Validity

The provisions of this local law are severable. If any provision of this local law or its application to any person or circumstance is held invalid, said invalidity shall not affect any other provision or application of this local law which can be given effect without the invalid provision or application of the local law.