

**LEGAL NOTICE
NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN, there has been presented to the Town Board of the Town of Southold, Suffolk County, New York, on the **16th day of January, 2018**, a Local Law entitled **“A Local Law in relation to Amendments to Chapter 205, Public Entertainment and Special Events”** and

NOTICE IS HEREBY FURTHER GIVEN that the Town Board of the Town of Southold will hold a public hearing on the aforesaid Local Law at the Southold Town Hall, 53095 Main Road, Southold, New York, on the **13th day of March, 2018 at 7:30 p.m.** at which time all interested persons will be given an opportunity to be heard.

The proposed Local Law entitled, **“A Local Law in relation to Amendments to Chapter 205, Public Entertainment and Special Events”** reads as follows:

LOCAL LAW NO. 2018

A Local Law entitled, **“A Local Law in relation to Amendments to Chapter 205, Public Entertainment and Special Events”**.

BE IT ENACTED by the Town Board of the Town of Southold as follows:

Chapter 205. Public Entertainment and Special Events

Article I. General Provisions

§ 205-1. Purpose.

It is the intent of this chapter to establish procedures and requirements for conducting special events in the Town of Southold to preserve the public peace, good order and the integrity of the use regulations established under the Zoning Code, to properly provide for the health, safety and welfare of the general public and to provide penalties for violations of the provisions herein.

§ 205-2. Definitions.

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

PARKING CAPACITY - For the purposes of this chapter, parking capacity shall be the number of cars, limousines or buses permitted on the site according to a site plan approved by the Town of Southold Planning Board.

SPECIAL EVENT - Any temporary gathering, demonstration, performance, exhibition, amusement or activity that is not currently a permitted use of the property in the applicable zoning district or which requires a parking area to accommodate all vehicles transporting attendees to the event that is larger than the existing parking capacity of the site that is conducted or sponsored by a person, organization, entity or association, including, but not limited to, carnivals, circuses, fairs, bazaars, outdoor shows and concerts, parades, walks, runs, marathons, bicycle races or motorcycle rallies, which may involve one or more of the following:

- A. The closing of a public street.

- B. The use, blocking or restriction of Town property, roads or rights-of-way;
- C. The use of amplified sound exceeding the standards set forth in Chapter **180** of the Town Code.
- D. The sale of merchandise that is not ordinarily sold in the normal course of the applicant's business.
- E. The sale or service of food to the public with the exception of the following:
 - (1) On land used in agricultural production, the sale or service of food products composed primarily of ingredients produced on site; or
 - (2) On land used in agricultural production that maintains a winery or farm winery license issued by the New York State Liquor Authority, the sale or service of food items which customarily complement wine tastings and that are ordinarily consumed while standing or walking and without the need for utensils.
- F. The substantial increase or disruption of the normal flow of traffic on any street or highway.
- G. The placement of portable toilets.
- H. The placement of temporary no-parking or directional signs or banners.
- I. The use of any Town services that would not be necessary in the absence of such an event.

SPECIAL EVENT COMMITTEE - The Special Even Committee, also referred to in his chapter as the "Committee" shall review applications forwarded to it by the Town Clerk's Office. The Committee shall make determinations as to the completeness of the application, request further documentation as it deems necessary as set forth in this Chapter, and make recommendations to the Town Board as to whether the application should be granted or denied. The Committee shall consist of: the Government Liaison Officer, who shall act as the Chairperson; the Chairperson of the Zoning Board of Appeals or his or her designee; the Planning Director or his or her designee; the Chief of Police, or his or her designee, and; the Chief Building Inspector, or his or her designee. The Town Attorney shall act as counsel to the Committee. The Town Board shall appoint a secretary to assist the Committee in the processing of applications.

§ 205-3. Permit required.

- A. To preserve public peace, good order and the health, safety and welfare of the residents of the Town of Southold, special events shall be prohibited in the Town of Southold unless a special event permit is obtained in accordance with the requirements set forth in this chapter and as follows:
 - (1) ~~All special events on private property and with an expected attendance of less than 1,000 attendees shall obtain approval of the Chairperson of the Zoning Board of Appeals in accordance with the terms set forth in Article II of this chapter shall require the issuance of a Special Event Permit by a resolution of the Town Board.~~
 - (2) ~~All special events on private property with an expected attendance exceeding 1,000 attendees or special events on Town property shall obtain the approval of the Town Board as set forth in Article III of this chapter.~~
- B. The provisions of this chapter shall not apply to:

- (1) Any event held on property owned by any special district that is contained on site and has adequate parking, ingress, egress, traffic control and sanitary facilities to host such an event;
- (2) Any event held on property owned by a not-for profit for its own fundraising that is contained on site and has adequate parking, ingress, egress, traffic control and sanitary facilities to host such an event;
- (3) Occasional events on private residential properties hosted by the owner thereof to celebrate family events, holidays, charitable or other not-for-profit fundraisers; however, any use of residential property for profit, such as a venue for weddings or other events, is prohibited.

**Article II. Special Events Requiring Chairperson of Zoning Board of Appeals Approval
Permit Application Requirements and Procedure**

§ 205-4. Application requirements.

The following information and materials are to be submitted with an application for a special event permit. ~~The Zoning Board of Appeals office may accept a single application for a recurring event or a series of similar events (not to exceed six in a three-month period) that are of like size and scope.~~

- A. A completed special event application form which includes the following information:
 - (1) The name, address and telephone number(s) of the person(s) who will be organizing the event and who can be contacted prior to and during the event by Town officials.
 - (2) The address of the event location.
 - (3) The proposed dates and hours of the special event, including setup and shutdown times.
 - (4) The expected maximum number of persons intended to use the property at one time and collectively, including organizers, employees, vendors, exhibitors and spectators/participants.
 - (5) Expected number of automobiles and other vehicles intended to use the property at one time and collectively.
 - (6) The name, address and telephone number of the person(s) who will be engaged in the preparation and/or sale of food, alcohol, or beer and a copy of the State Liquor Authority license and County Department of Health Services permit number for the activity.
 - (7) The name, address and cellular telephone number of any security company which will work on the premises, and a description of the duties to be performed.
 - (8) The dimensions of any tents to be utilized for the event. All tents erected in connection with an event will require an application to, and the approval of, the Building Department.
 - (9) Certification that the property where the event is to take place is not subject to any covenant or restriction limiting its use, or if the use is restricted by easement or otherwise, a copy of a survey or diagram

depicting the easement area and any reserved area where development rights are intact.

- (10) The applicant must provide a certificate of general liability insurance naming the Town of Southold as an additional insured with limits of \$1,000,000 per occurrence or such other limit as may be required by the Town Board for events where expected attendance exceeds 500 attendees.

B. The appropriate An application fee.

- (1) The fees for Special Event permits shall be proscribed by a resolution of the Town Board in the following amounts for each event:

~~(1) For events where the expected attendance is less than 500 attendees: \$150.~~

~~(2) For events where the expected attendance is 500 to 1,000 attendees: \$250.~~

~~(3) Applications that are submitted less than 60 days prior to the proposed event may be rejected or subject to a late processing fee of \$250.~~

C. A general description of the proposed event including:

- (1) The purpose of the event and description of the nature of the activities to be carried on and the admission fee to be charged, if any.
- (2) The names of groups, organizations, charities or individuals who shall benefit from the proceeds of the event.

D. A parking/event plan showing:

- (1) The size of the property and its location in relation to abutting streets or highways.
- (2) The size and location of any existing building(s) or structure(s) that will be in operation during the course of the event and any proposed building, structure or signs to be erected temporarily for the event.
- (3) The location of the stage or tents, if any.
- (4) The designated areas of use for spectators, exhibitors, vendors, employees and organizers.
- (5) The location of all exits.
- (6) The location of all fire extinguishers and other fire safety equipment.
- (7) The location of all temporary utilities to be installed for the event, if any.
- (8) The layout of any parking area for automobiles and other vehicles and the means of ingress and egress for such parking areas. The parking spaces must allow for 300 square feet per car.
- (9) A traffic control plan for vehicles entering and leaving the site for the proposed event.
- (10) A plan for the use of live outdoor music, loudspeakers and other sounds which will be used, if any, and the type and location of speakers and other audio equipment.
- (11) A description of emergency access and facilities related to the event.
- (12) Provisions to dispose of any garbage, trash, rubbish or other refuse.
- (13) The location and a description of any additional lighting to be utilized in conjunction with the event.
- (14) The location of sanitary facilities on site.

E. A description of any signage to be displayed adjacent to a Town, county or state road, including size, location and dates of display.

F. A certificate of insurance not less than \$2,000,000 naming the Town of Southold

as an additional insured.

G. A minimum cleanup deposit of \$250.

F. H. The Chairperson Town Board may require the applicant to send and provide certification that written notice was sent to every property owner abutting or adjacent to the property where the event is to be held, as shown on the current Town of Southold assessment roll, and directly opposite (by extension of the lot lines through a street or right-of-way) of the property that is the subject of the application. Said notice shall include the date, time and location of the proposed special event.

G.I. Notwithstanding the foregoing, the ~~Chairperson of the Zoning Board of Appeals~~ Town Board, upon request by an applicant, may waive in whole or in part any of the foregoing application requirements upon a finding that said requirements are not necessary for proper consideration of a permit application in accordance with the standards set forth in § 205-5E(1) through (15) or for the protection of health, safety and welfare. The Town Board's determination of any waiver request shall be in writing to the applicant and shall specify the reason for the grant or denial. If a waiver is granted, the Town Board may attach appropriate conditions to protect the public interest.

§ 205-5. Application review procedure and standards.

A. All applications for a special event permit must be submitted at least 60 days prior to a proposed event to the ~~Zoning Board of Appeals~~ Town Clerk's Office. ~~Any application that is not complete may not be accepted and or processed. Upon receipt of an application for a special event permit, the Town Clerk shall cause the application to be forwarded to the Special Event Committee.~~

B. Upon receipt of an application, the Committee shall review the application and make a determination as to completeness. When the Chairperson of the Zoning Board of Appeals Upon making a determination that the application is complete, determines said application is complete, the Chairperson-Committee shall cause the application and related documentation to be distributed to any Town, county or state agencies that may have jurisdiction over the event for their review and comment on any of the criteria set forth in § 205-5E of this article. Such referrals may include the Police Department, the Planning Department, the Building Department, the Office of the Zoning Board of Appeals, the Suffolk County Planning Commission, the Land Preservation Department, the Code Enforcement Department, the Fire Inspector Marshal, the Assessors' Office and/or the Town Attorney.

C. Upon receipt of comments, the the Chairperson of the Zoning Board of Appeals Committee shall review the complete application and make a recommendation to the Town Board as whether to grant the application, deny the application, or grant the application with conditions. In considering whether to recommend approval or denial of the application, the Committee shall consider the criteria set forth in subsection "E" of this section. determine whether to require revisions to the proposed event application.

D. ~~If no revisions are required, or upon the submission of a revised application, the Chairperson of the Zoning Board of Appeals may deny or approve the application~~

~~with conditions~~ The Committee shall make a recommendation to the Town Board within 30 days of receipt of a complete application.

E. Upon receipt of an application from the Special Events Committee, the Town Board shall review the application and make a determination whether to: grant the application as applied for, deny the application, or grant the application with conditions. In making its determination the Town Board shall consider the following:

- (1) The size and capacity of the site to accommodate the proposed event.
- (2) The facilities available.
- (3) The availability of highways and other means of transportation to and from the site.
- (4) The impact of the event on the safe and orderly movement of traffic within and contiguous to the event.
- (5) The need for the Town to police such event, and whether the number of police officers assigned to properly police such event will prevent the Town from providing adequate police protection to the remainder of the Town.
- (6) The impact of the event on fire and police protection and ambulance service to the areas contiguous to the event and to the Town in general.
- (7) The impact of the event on the movement of firefighting equipment or ambulance service to the Town or to areas contiguous to the event.
- (8) The impacts on adjacent property owners and the surrounding neighborhood.
- (9) Whether the owner, applicant or event sponsor has violated a previously issued special event permit.
- (10) Verification that there are no outstanding violations on the property at which the event will be held or any outstanding or unsatisfied conditions of a Town agency approval, including, but not limited to, those of the Planning Board or the Zoning Board of Appeals.
- (11) Verification that the grant of the permit will not violate any existing covenants or easements on the property.
- (12) Whether a permit has been granted for a prior event that was the same or substantially similar in size and scope to the event applied for and/or resulted in the impacts defined in Subsection **E(4), (5), (6), (7) and (8)** above.
- (13) Whether the frequency of prior or proposed special events on the site constitutes a change or intensification of the permitted use of the property necessitating a use variance or further site plan review.
- (14) If an applicant is requesting a special event permit that was held the previous year, the verification must be submitted from those charities listed on the previous application.
- (15) Any other matters that relate to the health, safety and welfare of the general public.

F. A deposit shall be made in an amount to be determined prior to issuance of the permit based upon the estimated direct costs attributable to additional police and highway costs associated with the event. After the event, the deposit will be used

- to cover such costs, and any monies remaining will be returned to the applicant.
- G. Where the Town determines that there is no specific Town benefit from the event or that the event is conducted for profit, an additional deposit shall be made in an amount to be determined prior to issuance of the permit based upon the estimated direct costs attributable to additional police, highway and cleanup costs associated with the event. After the event, the deposit will be used to cover such costs, and any monies remaining will be returned to the applicant. If the costs incurred by the Town exceeds the amount deposited, the applicant shall be responsible for the additional costs incurred by the Town as a result of the Special Event.
 - H. A special event permit is not transferable and shall expire at the close of the event(s) for which it is issued.
 - I. The special event permit issued hereunder shall be displayed on the premises during the special event and shall be available for inspection by a police officer or other enforcement officer of the Town upon request.
 - J. Applications for tent permits required for any event must be submitted directly to the Building Department.
 - K. At the sole discretion of the Committee, applications that are submitted less than 60 days prior to the proposed event may be rejected or be considered subject to the applicant paying a late processing fee.

§ 205-6. Appeal from denial of a special event permit.

An applicant who is denied a permit by the ~~the Chairperson of the Zoning Board of Appeals Town Board~~ may apply to the Town Board for reconsideration of the application by filing an appeal with the Town Clerk within 10 days of the date of the denial. A complete copy of the application ~~submitted to the Office of the Zoning Board of Appeals~~ shall accompany the request for reconsideration. The Town Board may, following a public hearing, affirm, amend or reverse the determination ~~the Chairperson of the Zoning Board of Appeals~~ its prior decision subject to any conditions deemed appropriate under the circumstances.

Article III. Special Events Requiring Town Board Approval

§ 205-7. Events held on Town lands or events exceeding 1,000 attendees.

A. Any event held on property owned, leased or controlled by the Town or any event where the expected attendance exceeds 1,000 people shall be subject to approval by resolution of a majority of the Town Board following the submission of an application to the Town Clerk 60 days prior to the proposed event. In reviewing applications for such events, the Town Board may consider the following criteria in addition to the criteria set forth in ~~§ 205-5E~~ above:

- (1) The size of the premises in relation to the number of people attending the event.
- (2) The sufficiency of arrangements made to control traffic, parking, noise, lighting and refuse.
- (3) The frequency of events proposed or approved for the premises and whether the frequency is so great that the events constitute a persistent usage of the property incompatible with its character or with that of the surrounding area.
- (4) Conflicts with ordinary public use of the land, roads or facilities involved.
- (5) Whether the applicant has been convicted for failure to comply with the terms of this chapter within the past three years.
- (6) Adherence to the Town Board policy of discouraging events at Town beaches and parks from the Friday before the observance of Memorial Day until Labor Day.

~~(7) If two or more events with an expected attendance of more than 1,000 people are scheduled for the same date and are within a half mile radius of each other, the Town Board will determine if there are adequate resources for the events. If there are not sufficient resources to ensure public health and safety, the Town Board shall deny one or more permits if the impacts of the events cannot be mitigated. When deciding which event to deny, the Town Board shall consider the following:~~

~~(a) Whether the event is recurring.~~

~~(b) Whether the site has been subject to a violation within the last three years.~~

~~(c) The date the permit application was submitted.~~

~~(d) If events occurred the prior calendar year, the Chairperson of the Zoning Board of Appeals shall consider what their impact was on that area of the Town.~~

~~(e) Whether the event will yield a donation to one or more local charities.~~

~~B. For any special event that is to be held on land owned, leased or controlled by the Town of Southold, the application shall include the following:~~

~~(1) A completed special event application form which contains the following information:~~

~~(a) The name, mailing address, e-mail address and telephone number(s) of the person(s) who will be organizing the event and who can be contacted prior to and during the event by Town officials.~~

~~(b) The proposed event location and type of event.~~

~~(c) The proposed dates and hours of the special event, including setup and shutdown times.~~

~~(d) The expected maximum number of persons intended to use the property at one time and collectively, including organizers, employees, vendors, exhibitors and spectators/participants.~~

~~(e) If there are any special requirements needed for the event, including, but not limited to, police presence or road closures.~~

~~(2) An application fee in the sum of \$250 for events where the expected attendance does not exceed 1,000 attendees.~~

~~(3) A certificate of insurance not less than \$2,000,000 naming the Town of Southold as an additional insured.~~

~~(4) A minimum cleanup deposit of \$250.~~

~~(5) Where the Town determines that there is no specific Town benefit from the event or that the event is conducted for profit, an additional deposit shall be made in an amount to be determined prior to issuance of the permit based upon the estimated direct costs attributable to additional police, highway and cleanup costs associated with the event. After the event, the deposit will be used to cover such costs, and any monies remaining will be returned to the applicant.~~

~~(6) Any additional information required by the Town Clerk.~~

~~C. For any special event where the expected attendance exceeds 1,000 attendees, the application shall include all information required under § ~~205-4A~~, as well as the following:~~

~~(1) An application fee of \$350.~~

~~(2) A certificate of insurance not less than \$2,000,000 naming the Town of Southold as an additional insured.~~

~~(3) The Town Board may require the applicant to send and provide certification that written notice was sent to every property owner abutting or adjacent to the property where the event is to be held, as shown on the current Town of Southold assessment roll, and directly opposite (by extension of the lot lines through a street or right-of-way) of the property that is the subject of the application. Said notice shall include the date, time and location of the proposed special event.~~

~~D. Notwithstanding the foregoing, the Town Board, upon request by an applicant, may waive in-~~

~~whole or in part any of the foregoing application requirements upon a finding that said requirements are not necessary for proper consideration of a permit application or for the protection of health, safety and welfare. The Town Board resolution shall specify the reason for the grant or denial. If a waiver is granted, the Town Board may attach appropriate conditions to protect the public interests.~~

Article IV III. Enforcement

§ 205-8. Modification or rescission of permit.

If, after a permit is issued, ~~the Chairperson of the Zoning Board of Appeals or the Town Board~~ determines that any of the representations and/or statements contained in the application are materially inaccurate or any of the conditions of the permit have not been complied with, the Town may serve the permittee's agent a notice of rescission of special permit specifying the manner in which the permittee has not complied with the terms of its permit and/or identifying the incorrect information supplied in the application. ~~The Zoning Board of Appeals Chairperson or the Town Board~~ may, for good cause, modify or rescind such permit, absolutely or upon conditions.

§ 205-9. Penalties for offenses.

- A. It shall be unlawful for any owner, occupant or his/her agent or any other person to fail to comply with any provisions of this chapter or to fail in any manner to comply with a written notice, directive or order of the Director of Code Enforcement, Zoning Inspector or the Southold Police Department, or to conduct any special event in a manner not in compliance with a permit issued pursuant to this chapter and with the provisions of this Code.
- B. For each offense against any of the provisions of this chapter or failure to comply with a written notice, directive or order of the Director of Code Enforcement, Zoning Inspector or the Southold Police Department within the time fixed for compliance therewith, the owner, occupant or his/her agent or any other person who commits, takes part or assists in the commission of any such offense or who shall fail to comply with a written order of the Director of Code Enforcement, Zoning Inspector or the Southold Police Department shall be subject to the following:
 - (1) Failure to obtain a permit. Any person conducting a special event that is regulated under this chapter without first obtaining a permit according to the procedures outlined herein shall be subject to a fine of not less than \$500 and not more than ~~\$1,500.00~~ \$3,000.00.
 - (2) Failure to comply with the terms of a permit. Any person failing to comply with the terms of a permit shall be subject to a fine of not less than \$500 and not more than ~~\$1,500.00~~ \$3,000.00.
 - (3) For each subsequent offense of § ~~205-9B(1)~~ or (2), violators shall be guilty of a misdemeanor and/or subject to a fine of not less than ~~\$500.00~~ \$1,000.00 nor more than \$5,000.
- C. No new special event permits will be issued to any property owner, occupant or his/her agent if such person is a named defendant in an outstanding or unresolved violation of this chapter.
- D. The Town may also maintain an action or proceeding in a court of competent

jurisdiction to compel compliance with or to restrain by injunction the violation of this chapter.

III. SEVERABILITY

If any clause, sentence, paragraph, section, or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, the judgment shall not affect the validity of this law as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

IV. EFFECTIVE DATE

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

Dated: January 16, 2018

BY THE ORDER OF THE
SOUTHOLD TOWN BOARD
Elizabeth A. Neville
Southold Town Clerk

PLEASE PUBLISH IN THE **FEBRUARY 15, 2018** EDITION OF THE SUFFOLK TIMES AND PROVIDE ONE (1) AFFIDAVIT OF PUBLICATION TO THE SOUTHOLD TOWN CLERK'S OFFICE, PO BOX 1179, SOUTHOLD, NY 11971.