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Chapter 199A

Special Events

[HISTORY: Adopted by the City Council of the City of Saratoga Springs 12-20-2005. Amendments noted where applicable.]

GENERAL REFERENCES

Alcoholic beverages — See Ch. **61**.

Demonstrations — See Ch. **98**.

Firearms — See Ch. **115**.

Noise — See Ch. **148**.

Parades — See Ch. **151**.

Streets and sidewalks — See Ch. **203**.

Temporary structures — See Ch. **216**.

Zoning — See Ch. **240**.

Article I

General Provisions

It shall be lawful, as defined in this chapter, to hold or cause to be held a special event by first obtaining a special event permit from the Commissioner of Accounts. Persons holding a permit for a parade, as that term is defined in Chapter 151 of the City Code, shall not be required to obtain an additional permit under this chapter for the activity covered by the special event permit.

§ 199A-1 Definitions; compliance with other provisions.

- A. A "special event" is any event, occasion or celebration open to the public and held in or upon any public right-of-way, public street, public park or other public place or conducted in such a manner as to significantly impede public access to any public right-of-way, public street, public park or other public place.
- B. Any person, corporation, partnership or other entity applying for a permit under this chapter, if installing/erecting a temporary structure, must comply with Chapter **216** of the City Code entitled "Temporary Structures."
- C. Any person, corporation, partnership or other entity applying for a permit under this chapter must comply with Chapter **148** of the City Code entitled "Noise."
- D. Any person, corporation, partnership or other entity applying for a permit under this chapter must comply with Chapter **61** of the City Code entitled "Alcoholic Beverages."
- E. The following definitions shall apply to this chapter:

AWNING/CANOPY

A structure resembling a roof.

BANNER

Any sign, as defined herein, hung above a street, from a building, bridge structure or a vehicle or towed by a vehicle, including but not limited to an aircraft, watercraft or trailer.

CITY

The City of Saratoga Springs, New York.

CITY CLERK

The City Clerk of the City of Saratoga Springs, New York.

PARADE

Any procession of any kind in a public place in the City of Saratoga Springs that is intended to attract public attention and that does not comply with normal traffic regulations and control.

PUBLIC PLACE

Any place to which the public has unrestricted access, but "public place" shall not mean the interior floor space of any building or any space covered by part of a building's permanent roof.

SIGNS

Any display of words, symbols or other visual images made of cloth, paper, plastic, cardboard or other material or any combination of such display.

TEMPORARY STRUCTURE

A tent, awning, canopy or other device, with or without sides, used to cover an area.

TENT

A collapsible shelter, with or without sides, made of fabric, nylon or canvas stretched and sustained by poles and used as a temporary structure.

§ 199A-2 Applicability.

The following activities shall not require a permit under this article:

- A. Funeral processions.

§ 199A-3 Prohibited items or activities.

- A. The following items or activities are prohibited:

- (1) Banners. Banners, as defined, are prohibited.
- (2) Explosives, fireworks or pyrotechnics. No person shall carry or possess any kind or mixture of explosives, fireworks or pyrotechnics.
- (3) Flammable or combustible liquids or gases. Flammable or combustible liquids, compressed gases or gases cannot be carried or possessed.
- (4) Injury, physical. The conduct of the special event is not reasonably likely to cause physical injury to persons or property.
- (5) Interference with emergency services. The special event will not unduly interfere with proper fire and police protection or emergency services to contiguous areas of such assembly areas.

- (6) Obscene material. No person shall display, carry or possess any obscene material as defined by § 235.20 of the NYS Penal Law.
- (7) Noxious materials. No person shall use, carry or possess any noxious material of any kind or strength while participating in a special event.
- (8) Projectile launchers. Projectile launchers or other devices commonly used for the purpose of launching, hurling, or throwing any object, liquid, material or substance cannot be carried or possessed.
- (9) Sidewalks (blocking). No person or group of persons shall block any lawful use of a public sidewalk or any ingress to or egress from any building by standing within 15 feet of said doorway or entrance or any driveway to any building.
- (10) Signs. No sign or combination of signs shall render impassable any public way or any ingress to or egress from any public way, or render passage to, from or across a public way unreasonably difficult or hazardous. Posters, plaques or notices mounted on a support or hand held, constructed solely of cloth, paper, plastic or cardboard material no greater than 1/4 inch thick are permitted. Signs must be of such size and construction as to be safely carried and displayed.
- (11) Sirens or air horns. No person shall use, carry or possess any hand-carried or vehicle-mounted siren or air horn.
- (12) Strong acid or base chemicals in solid, liquid or gas. No persons shall use, carry or possess any acidic or basic chemical regardless of its physical state.
- (13) Traffic (blocking). No person shall block or otherwise interfere with highway, road or rail traffic to include ingress to or egress from a building or onto property.

§ 199A-4 Restricted use items or activities.

A. The following items or activities have restricted use:

- (1) Flyovers. Flyovers and aircraft trailing banners are not permitted unless requested for in the permit application in advance. A copy of the FAA authorization permit is required to be filed with the permit application.
- (2) Firearms. Firearm use or carry, real or replica, whether for ceremonial use as in a color guard or not, must be approved in advance by the Police Department.
- (3) Sound-producing or amplifying devices. The use of any sound-producing or amplifying devices is permitted if the sound is so as not to be heard at 250 feet and beyond the special event. The use of said equipment must also comply with restrictions and limitations contained in the Noise Ordinance of the City of Saratoga Springs.
- (4) Electricity. Electrical connections are not publicly available from the City. The use of an electric generator is prohibited. Electrical connections from private property are permitted, provided such connections shall have been inspected by a certified Electrical Inspector as to safety and compliance with the National Electrical Code. A copy of the inspection shall be filed with the Commissioner of Accounts prior to said use.

Article II Permits

§ 199A-5 Application.

A. Applications for such permit shall be made to the Commissioner of Accounts on the forms provided by

the Commissioner.

- B. Weekly, monthly or yearly permits for recurring special events may be applied for and granted by the Commissioner of Accounts. Such application shall include a schedule for each day of the special event, together with any other information the Commissioner of Accounts may deem necessary. All such permits shall expire at the end of the calendar year in which they are granted.
- C. Filing period. An application for a special event shall be filed with the Commissioner of Accounts not fewer than 60 business days before the date on which it is proposed to conduct such special event. However, if the special event is a parade, or a walking, running or biking race, the application shall be filed not fewer than 90 days before the date on which it is proposed to conduct such special event in order to obtain the necessary approval from state and local highway authorities. **[Amended 12-20-2016]**
- D. For any event that will attract 5,000 or more persons, the applicant must also obtain a permit from the NYS Department of Health and include it with the application. A safety plan, as required by the Department of State must also be included with the application.

§ 199A-6 Fees.

[Amended 7-5-2022]

Fees under this chapter shall be established from time to time by [resolution of] the City Council for the licensure of Special Events. A schedule of all such fees will be available for review in the Office of the City Clerk and on the City's webpage. The establishment of a permit fee or fees [by resolution] under this section shall not be construed so as to limit the authority of the City Council to charge for additional costs for municipal services or resources reasonably necessary to ensure public safety or other public benefit during a permitted event. The Accounts Department shall issue the invoice for said fees at the time of permit issuance. Payment is due no later than 30 days after the event date.

A. Payment of the applicable fee under this section shall be due upon filing or renewal of the application.

§ 199A-7 Responsibility for cleanup.

The Commissioner of Public Works shall have the authority, in situations where it is determined that the proposed special event is of such magnitude or character that it will generate an excessive or extraordinary amount of debris upon the public ways, to require an agreement from the applicant stating that the applicant shall be responsible for the costs of cleanup of the public ways after the special event. The Commissioner may enter into any agreement with the applicant as may be necessary for this purpose.

§ 199A-8 Insurance.

The applicant shall provide proof of insurance to the Commissioner of Accounts as follows:

- A. Proof of commercial general liability insurance, including completed products and operations and personal injury liability insurance in the amount of \$1,000,000 per occurrence and \$2,000,000 aggregate. The City shall be included as an additional insured on said insurance.
- B. In the event a motorized vehicle shall be utilized in the permitted event, commercial automobile liability in the combined single limit of \$1,000,000 shall be required for all non-owned, hired and/or owned vehicles. The City shall be included as an additional insured on said insurance.
- C. Proof of statutory workers' compensation and employer's liability insurance for all employees participating in the event.
- D. A fully executed hold harmless agreement, in a form satisfactory to the City, by which the applicant shall indemnify and save harmless the City and its agents and employees from and against all claims, damages, loss and expense (including but not limited to attorney's fees) arising out of or resulting from

the licensed activity, sustained by any person or persons, provided that any such claims, 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 or omission of the applicant, or the applicant's employees, agents, or subcontractors.

§ 199A-9 Issuance; applicability of zoning laws.

If the Commissioner of Accounts finds that all applicable provisions of this chapter have been complied with or will be complied with by the applicant, a permit may be issued to hold a special event conditional upon such reasonable limitations and requirements as may be deemed necessary for the protection of the public health, safety and welfare. Nothing in this chapter shall be construed as granting the Commissioner of Accounts any power to confer rights upon permit holders to do any act or conduct any business or activity in contravention of any zoning ordinance or regulation in effect in the City of Saratoga Springs. It shall be the responsibility of the permit holder to determine if the activity complies with the applicable zoning laws.

§ 199A-10 Standards for issuance.

The Commissioner of Accounts shall issue a permit as provided for hereunder when, from a consideration of the application and from such other information as may otherwise be obtained, it is found that:

- A. The conduct of the special event will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route.
- B. The conduct of the special event will not require the diversion of so great a number of police officers of the City to properly manage the line of movement and the areas contiguous thereto as to prevent normal police protection to the rest of the City.
- C. The conduct of such special event will not require the diversion of so great a number of emergency services as to prevent normal emergency service to portions of the City other than that occupied by the proposed line of march and areas contiguous thereto.
- D. The issuance of a special event permit under this chapter shall not be construed as granting authorization to conduct activities defined as "demonstration" in Chapter **98** or "parade" in Chapter **151** of the Code of the City of Saratoga Springs.

§ 199A-11 Change of permit.

The City shall be empowered to change the date/time of the special event should such a change be in the best interest of the City. If the applicant refuses to accept such changes and chooses to cancel the special event, all fees paid by the applicant shall be refunded.

§ 199A-12 Notice to officials.

[Amended 7-5-2022]

Immediately upon the application for a special event permit, the Commissioner of Accounts shall send a copy of the special event application to the City Council and their designated representatives.

§ 199A-13 Contents.

Each special event permit shall state the following information:

- A. The starting time and ending time.
- B. Location of the special event and the portions of the streets to be traversed that may be occupied by the special event.
- C. The name of the responsible party and telephone number.

D. Such other information as the Commissioner of Accounts shall find necessary to the enforcement of this chapter.

§ 199A-14 **Duties of permit holder.**

- A. The permit holder hereunder shall comply with all permit directions and conditions and with all applicable laws and ordinances.
- B. Possession of permit. The special event chairperson or the person heading or leading such activity shall carry the special permit upon his/her person during the conduct of such special event.

§ 199A-15 **Revocation.**

The Commissioner of Accounts may revoke any permit for violation of any of the provisions of this chapter. Notice of such revocation and the reason or reasons therefor shall be served upon the person named in the permit application or by mailing the same to the address given on the permit application.

Article III **Enforcement; When Effective**

§ 199A-16 **Penalties for offenses.**

- A. Any person or other legal entity who violates any of the provisions of this chapter shall be subject to the penalties set forth in Chapter 1, General Provisions, Article III, General Penalty, of this Code. Both the Police Department and Code Administration shall have the authority to enforce the provisions of this chapter and to issue appearance tickets for violations thereof.
- B. This chapter shall take effect the day after publication as provided by the provisions of the City Charter of the City of Saratoga Springs, New York.