

CITY OF BEACON



Iola C. Taylor
City Clerk
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I, IOLA C. TAYLOR, Clerk of the City of Beacon, New York, do hereby certify that the attached is a true and accurate copy of Local Law No. 16 of 2017 entitled:

AMEND CHAPTER 211, CONCERNING STREET CLOSINGS FOR SPECIAL EVENTS

adopted by the Beacon City Council at a regular meeting held on November 6, 2017. Council Member Muhammad made the motion to adopt the proposed local law. The motion was seconded by Council Member Wetherbee. On roll call Council Members Muhammad, Kyriacou, Mansfield, Wetherbee, Ross and Mayor Casale voted in favor (6). Council Member Harper was absent (1). Motion Carried.

WITNESS THERE I have set my hand and seal of the City of Beacon this 9th day of November, 2017.

Signed Iola C. Taylor
Iola C. Taylor, City Clerk

SEAL

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as Local Law No. 16 of 2017 of the City of Beacon was duly passed by the City Council on November 6, 2017, in accordance with the applicable provisions of law.

~~2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of Beacon was duly passed by the City Council on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the * _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.~~

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of Beacon was duly passed by the City Council on _____ 20____, and was (approved) (not approved) (repassed after disapproval) by the * _____ on _____ 20____. Such local law was submitted to the people by reason of a (mandatory) (permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general) (special) (annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the _____ was duly passed by _____ on _____ 20____, and was (approved) (not approved) (repassed after disapproval) by the * _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis, or if there be none, the chairman of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____, of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____, of the County of _____, State of New York, having been submitted to the electors at the General Election of November _____, 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county considered as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.

Yvonne C. Taylor
Deputy Clerk of the County legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

Date: November 9, 2017

(Certification to execute by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF Dutchess

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Richard Ward-Tiller
Signature
City Attorney
Title
City of Beacon
Date: November 9, 2017

Local Law Filing

New York State Department of State
41 State Street, Albany, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~County~~
City of.....**Beacon**.....
~~Town~~
~~Village~~
Local Law No....16...of the year....2017.....

BE IT ENACTED by the City Council of the City of Beacon as follows:

Section 1. Chapter 211, Article II entitled “Traffic Regulations” “is hereby amended to add Section 13.2 as follows:

§203-13.2. Street closings for special events.

- A. Policy and Intent. It is the policy of the City of Beacon to encourage the occurrence of special events that enhance quality of life, provide entertainment and other leisure activities, promote local economic health, attract visitors, and contribute to the dynamic atmosphere of the community. It is the City’s intent to offer applicants support in planning a variety of safe and successful events that will serve diverse audiences and will create minimal disruption to surrounding areas.
- B. No person, corporation or other legal entity shall occupy, march or proceed along or close any City highway or part thereof without having first obtained a special event permit from the City of Beacon.
- C. Definitions.

(1) For purposes of this section, a “special event” shall mean:

(a) An Event which requires the closure of a public street, or the usage or closure of another public place or park, which involves:

- [1] Public entry; or
- [2] Vending of food, drink or merchandise; or
- [3] Public entertainment; or
- [4] A moving athletic event like a race or walk; or

(b) An outdoor event on private property which is open to the public and due to its size and activities:

[1] Has a significant impact on the surrounding streets and neighborhoods; or

[2] Requires special police or fire attention or the use of other special City services or facilities.

(2) Block parties.

(a) Applicants for permits for block parties shall submit a special event permit application containing so much of the information on the application as may be required by the Chief of Police, along with a street closing petition with signatures of support from at least 70% of residents on the block proposed for closure. Such applications may be approved or denied by the Chief of Police based on the general factors applying to special events and compliance with the specific block party requirements set forth herein.

(b) A "block party" shall mean an event which requires the closure of one block, from intersection to intersection, of a street in a residential area, through the use of barricades, at the request of and for the benefit of the immediate residents of the neighborhood.

(c) A block party permit shall be limited to six hours in duration and shall not extend beyond dusk. There shall be no charge for admission and no vending or amplified entertainment shall be allowed at a block party.

D. Applications for permits for special events shall be made to the City Clerk and shall be reviewed and approved by the Highway Superintendent, the Department of Public Works, City Administrator, Fire Chief and the Chief of Police. The permit shall be issued by the Chief of Police.

E. Applicants for permits shall submit a special event permit application at least 30 days prior to the proposed event, which shall include, but not be limited to, the following information. Additional information may be required by the Chief of Police in order for the application to be considered complete and ready for review. The following information shall be provided:

(1) The name, address and telephone number of the person or organization seeking to conduct such event.

(2) The name, address and telephone number of the person who will be the event chairperson and who will be responsible for its conduct.

(3) The proposed date(s) when the event is to be conducted.

(4) The type of event and a full description of the activities to be conducted. Activities to be specifically described shall include, but not be limited to, cooking, vending, sale of

alcoholic beverages, entertainment, athletic events, fireworks, and the use of bounce-houses or animals.

- (5) A detailed site plan, including, but not limited to, the location or route of the activities to be conducted, including the part of street to be closed and the method of closure and any entrances or exits; the location of parking, bathrooms or other facilities; and the location where any activities listed above are to be conducted.
 - (6) If the event includes a moving closure of streets, as in a race, walk, or other athletic event, a written route and map must be included, as well as an estimation of the time period of the closures.
 - (7) General liability insurance, if required.
 - (8) Documentation of all related and necessary licenses or permits from the state or other municipalities or agencies.
 - (9) Whether alcoholic beverages are to be sold and, if so, documentation of necessary permits and insurance.
 - (10) The estimated attendance at the event.
 - (11) The impact of the event on local residents and businesses, which shall include local notifications and responses.
 - (12) The proposed hours when such event will start and terminate.
 - (13) The security plan for the event, and the name of the licensed security agency to be used, when required.
 - (14) The plan for litter and trash removal and sanitary facilities.
 - (15) The plan for emergency medical services.
 - (16) The parking and transportation plan for the event, both for residents of the affected area and for event participants and attendees.
 - (17) The City support services requested for the event, including fee-based services, and including, but not limited to, police and fire services, street barriers, use of City facilities, trash and litter collection, and street sweeping.
 - (18) The applicant's history in providing similar events and obtaining and abiding by the terms of necessary licenses and permits.
- F. The following factors shall be taken into consideration when determining said applications and may provide the basis for denial of an application:
- (1) Whether the application is complete or contains a material misrepresentation;

- (2) Whether there are any objections to the special event
- (3) The maintenance of safety of all persons throughout the event;
- (4) The provision of safe and orderly movement of pedestrian and vehicular traffic at and contiguous to the event;
- (5) The area affected by the event;
- (6) The length of the event and hours of operation;
- (7) The noise to be produced by the event;
- (8) The availability of necessary parking and transportation for the event;
- (9) The support of, and potential impact of the event on, local residents and businesses, and the community in general, as demonstrated by documentation from the applicant and/or from public input received by direction of the City Administrator ;
- (10) The public and community purposes served by the event and the manner in which the event promotes the City and its cultural diversity;
- (11) The type of activities and facilities to be located in the street;
- (12) The economic impact of the event;
- (13) The provision of litter and trash removal and sanitary services;
- (14) The availability of police, fire and other necessary City services, and emergency medical services;
- (15) The existence of competing requests for use of the City streets;
- (16) The applicant's history of providing similar events and abiding by the terms of necessary licenses and permits.

G. Notification and public comment.

- (1) The event sponsor shall provide notification via regular mail within seven days of submitting an application for a special event to the City Clerk, to all properties that shall be impacted by any street closures and/or activities related to the event. Notice shall be provided to properties located within 200 feet of the event or route as part of the planning for and consideration of an application for a special event, and before and during the special event. Any resident or business may contact the City Clerk or the Chief of Police to object to the special event by no later than ten (10) days after the date of the notice. No less than fourteen (14) days prior to the event, the event sponsor shall provide proof of notification as required herein to the City Clerk. The Chief of Police shall not issue a special event permit until after expiration of the time for receipt of objections to the special event.

- (2) The City Clerk shall post on the City website all approved applications for all special event permits. Such posting shall include the name and contact information of the applicant, a description of the special event, and the date, time and location(s) or route(s) of the event.

H. Permit Conditions.

- (1) A permittee shall comply with all permit directions and conditions and with all applicable laws and ordinances.
 - (2) Possession of permit. The event chairperson shall carry the special event permit upon his or her person during the event.
 - (3) The Chief of Police shall have the authority to prohibit or restrict the parking of vehicles along a street constituting a part of the event area or route or as necessary to facilitate pedestrian and vehicular traffic in the vicinity of the event. Signs shall be posted to such effect, and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof. No person shall be liable for parking on a street unposted in violation of this section.
 - (4) The hours of operation taking place within a public place shall be between the hours of 9:00 a.m. and until dusk Monday through Sunday.
 - (5) All areas used must be left in a clean condition. Any need for trash receptacles or trash removal must be negotiated and approved by the Department of Public Works. Cleanup must be completed by 12:00 noon on the day following the event.
 - (6) A special event permit does not relieve any participant, including but not limited to food stands, vendors, peddlers or exhibitors from the responsibility of applying for any other permits or licenses or meeting any other requirements which may be applicable.
 - (7) A special event permit is not transferrable.
- I. Only the applicant, Chief of Police or Highway Superintendent may remove the road barricades closing the street during the special event. Any resident or individual who needs to obtain ingress or egress on the closed street must contact an authorized individual to move the road barricades. The contact information of said authorized individuals will be available on the City's website and will be posted on the barricades along with a notice that unauthorized removal of a barricade is subject to a fine of up to \$500.
- J. The Chief of Police is authorized to adopt such procedures and to require such additional information as he or she deems appropriate, to allow for the full assessment and consideration of permit applications for the smooth and safe operation of special events in the City.
- K. Exceptions. Events initiated by and/or sponsored or co-sponsored by the City are excluded from the provisions of this Section.

L. Penalties:

- (1) Special events shall not be held without a special event permit. Violation of this Section may subject the event sponsor to a fine of up to \$500 in addition to any other penalty provide in the any other law or ordinance. The Police Chief may close any special event conducted without an approved permit.
- (2) The Police Chief/Director of Public Safety, the Deputy Fire Chief or their designated representative(s) may close any special event or any portion of a special event that is subsequently determined to be an imminent hazard to the public health, safety or welfare.
- (3) It shall be unlawful to drive over, through or around any barricade, fence or obstruction erected for the purpose of preventing traffic from passing over a portion of a highway closed to public travel or to remove, deface or damage any such barricade, fence, or obstruction. Only authorized individuals may remove the barricades to permit ingress and egress. Failure to comply with this provision is a violation of this chapter and shall be punishable by a fine of up to \$500. A person violating this provision may be guilty of a misdemeanor.

Section 2. Ratification, Readoption and Confirmation

Except as specifically modified by the amendments contained herein, Chapter 211 of the City of Beacon is otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

Section 3. Numbering for Codification

It is the intention of the City of Beacon and it is hereby enacted that the provisions of this Local Law shall be included in the Code of the City of Beacon; that the sections and subsections of this Local Law may be re-numbered or re-lettered by the Codifier to accomplish such intention; that the Codifier shall make no substantive changes to this Local Law; that the word "Local Law" shall be changed to "Chapter," "Section" or other appropriate word as required for codification; and that any such rearranging of the numbering and editing shall not affect the validity of this Local Law or the provisions of the Code affected thereby.

Section 4. Severability

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their petition to other persons or circumstances. It is hereby declared to be the legislative intent that this Local law would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part hereof is held inapplicable had been specifically exempt there from.

Section 5. Effective Date

This local law shall take effect immediately upon filing with the Office of the Secretary of State.