

TOWN OF NORTH CASTLE

Local Law No. 10 For The Year 2009

(Adopted September 9, 2009)

A local law to update and modernize Chapter 83 “Carnivals and Circuses”

Section 1. Replace Chapter 83 of the Town of North Castle Town Code with the following text:

Chapter 83, SPECIAL EVENTS

83-1. Legislative intent.

This chapter has been enacted to protect the residents of the Town of North Castle and the public at large from nuisances and hazards which result from the unregulated operation of special events, bazaars, carnivals, circuses, fairs and other events of a similar type.

83-2. Definitions

As used in this chapter, the following words and phrases shall have the meanings assigned:

AMUSEMENT RIDE -- Any kind of machine, apparatus or device which is designed or used to propel, project or move a person through the air, along the ground or otherwise, and shall include a carousel, Ferris wheel, gravity steeplechase, scenic railway, parachute jump and other similar machinery customarily associated with amusements or carnivals.

CHARITABLE, RELIGIOUS OR NOT-FOR-PROFIT CORPORATION EVENT OR ACTIVITY -- Any special event conducted by a charitable organization as defined in Article 7-A of the Executive Law of the State of New York or a Religious Corporations Law corporation as defined in Article I of the Religious Corporations Law of the State of New York or a not-for-profit corporation as defined in Article I of the Not-For-Profit Corporation Law of the State of New York.

PERSON -- Any individual, firm, partnership, corporation, association, company or organization of any kind.

SPECIAL EVENT -- Any bazaar, carnival, circus, fair, pony track, rodeo, haunted house, corn maze, outdoor meeting, auction, special outdoor entertainment, or other amusement of like kind and nature.

SPECIAL EVENT PERMIT -- A permit or instrument granted by the Town Clerk pursuant to the provisions of this chapter.

TOWN -- The land area located within the boundary of the Town of North Castle.

§ 83-3. Permit required.

It shall be unlawful for any person or individual to conduct, sponsor or operate a special event, outdoors or under canvas, within the limits of the Town of North Castle without a permit and meeting the following provisions:

- A. All special events shall require the provision of a “fire watch” by the local fire department and/or North Castle Fire Marshall, the cost of which shall be paid for by the Applicant. The Fire Marshall may also approve other fire protection measures to the satisfaction of the North Castle Fire Marshall, the cost of which shall be paid for by the Applicant.
- B. All special events shall require the provision of security and/or traffic control by the Town of North Castle Police Department, the cost of which shall be paid for by the Applicant. The Chief of Police may also approve other security and/or traffic control measures to the satisfaction of the Chief of Police, the cost of which shall be paid for by the Applicant.
- C. Any area to be used for special event purposes shall not be located closer than 250 feet to an existing residential house footprint.
- D. Bathroom facilities accessible, and adequate in number, to satisfy the needs of patrons of the special event shall be provided to the satisfaction of the Building Inspector.
- E. Amusement rides, as a temporary facility not to exceed ten (10) days' duration, shall be permitted in any special event, including a charitable, religious or not-for-profit corporation event or activity, only upon compliance with the following additional procedure:
 - (a) Eight (8) copies of a sketch showing the area to be occupied by the proposed amusement rides.
 - (b) A filing fee of one hundred seventy-five dollars (\$175).
 - (c) Not more than eight (8) amusement rides per acre of vacant land shall be permitted.
 - (d) Compliance with the applicable provisions of the Labor Law of the State of New York.
 - (e) Compliance with the applicable rules and regulations of the Town of North Castle Building Department and the Code of the Town of North Castle.

§ 83-4. Application procedure; fee.

Any person desiring to procure a permit as herein provided shall file with the Town Clerk, for submission to the Town Board, a written application, upon a form prescribed by the Town Board and furnished by the Town Clerk, together with an application fee of \$100. In addition, the Applicant shall provide the following:

- A. The proposed location of the special event; the dates when the special event shall be conducted; the names, addresses and phone numbers of the sponsor(s) and operator(s);

- B. Whether the event is open to the general public;
- C. The maximum number of persons that the applicant will permit to attend the special event per day and in total;
- D. Plans showing the layout of the event area, including the location of all existing structures and improvements, the location and description of all event related temporary structures, tents, stands, ingress and egress, parking, signs, lighting, electrical equipment, sound equipment, mechanical equipment, portable toilets, and any other information related to the event that may be required by the Town in order to make an informed decision regarding the issuance of a special event permit.
- E. The written permission of the property owner.
- F. A certificate of insurance from an insurance company licensed to do business in New York State with the following minimum coverages:
 - (1) Bodily injury: three hundred thousand dollars (\$300,000.), one (1) person.
 - (2) Bodily injury: one million dollars (\$1,000,000.), one (1) accident.
 - (3) Property damage: one hundred thousand dollars (\$100,000.), one (1) accident.
- G. The approval of the Westchester County Department of Health, if required.
- H. A copy of the temporary building permit for a pavilion, tent or other temporary enclosure, issued by the Building Department.
- I. The posting of a cash bond of five hundred dollars (\$500) to guarantee cleanup by the exhibitor after the special event, except where the special event is conducted on premises owned by the person making the application.
- J. Evidence of the approval of a detailed itinerary and plans and specifications for tents, seats, entrances and exits, issued by the New York State Labor Department, Division of Safety and Health.
- K. A certificate of structural integrity and safety of the rigging and/or installation of any temporary enclosure proposed to be used by the public, and the seating and any other structure proposed to be used by the public. Such certificate shall be based upon an evaluation of the installation after its completion and prior to its use and shall bear the signature and seal of an engineer or architect registered for professional practice in the State of New York.
- L. Public Hearing.
 - 1) A public hearing on an application for a special event permit shall be scheduled and conducted by the Town Board within twenty (20) days of the date the application is deemed complete, unless this time limit is waived by the applicant.
 - 2) Notice of any hearing before the Town Board shall be published in a newspaper circulating within the Town of North Castle at least ten (10) days prior to that

date of said hearing. Any mailing of notices that may be required by the Town Board shall be at least ten (10) days before such hearing. The preparation and cost of publication and mailing of any notice required for such hearing shall be at the cost and expense of the applicant.

- 3) Notice of hearing shall be sent by certified mail, return receipt requested, to all property owners within a distance of two hundred fifty (250) feet from all sides of the of the property. In addition, the Town Board shall give any other notice required by law.

§ 83-5. Issuance of permit; permits not assignable.

Upon the filing of the application and payment of the application fee, the Town Clerk shall, upon the approval of the Town Board, issue to the applicant a permit as provided in

§ 83-1, signed by the Town Clerk. After discussion by the Town, no event deemed to be a nuisance, safety hazard or otherwise not conforming to the public welfare shall be permitted and no permit shall be issued for such event. A permit shall not be assignable.

§ 83-6. Revocation of permit; appeals.

The Town Board may, at any time, for a violation of this chapter or any other ordinance or law, revoke any permit. When a permit shall be revoked, no refund of any part of the application fee shall be made. Notice of such revocation and the reason therefor, in writing, shall be caused to be served by the Town Clerk upon the person named in the application, or by mailing the same to the address given in the application, and upon filing a copy of such revocation with the Chief of Police. The granting, refusing or revocation of such permit by the Town Board shall be subject to review by provisions of law.

§ 83-7. Restrictions.

- A. Any such permit shall be issued subject to observance of all state, county and town laws, rules and regulations as to health, safety and general welfare and subject to reasonable regulations of the Building Department, Fire Marshal, Police and Highway Departments of the Town of North Castle.
- B. No such affair, as set forth herein, shall be conducted prior to 10:00 a.m. or after 12:00 midnight.

§ 83-8. Exempt activities.

Provisions hereof shall not be applicable to:

- (a) Charitable, religious or not-for-profit corporation events or activities, or school special events conducted upon their own premises.
- (b) Events such as weddings, parties, religious celebrations and functions, and other similar events, occurring within, or upon the grounds of, a private residence, where the property owner receives no compensation for hosting the event and guests/attendees are not charged an admission fee.
- (c) Any event held on Town property or sponsored in whole or in part by the Town of North Castle, the County of Westchester or the State of New York.

- (d) Any organized special events conducted at sites or facilities typically intended, used, and designed for such events. Examples of such exempt activities include, but are not necessarily limited to, sporting events conducted on courses or fields intended and used for such activities; wedding services conducted at churches, country inns, reception halls, or similar facilities; conferences and similar events in facilities designed for such use.

§ 83-9. Penalties for offenses.

Any person committing an offense against any provision of this chapter shall be guilty of a violation punishable by a fine not exceeding \$250 or by imprisonment for a term not exceeding 15 days, or by both such fine and imprisonment. The continuation of an offense against the provisions of this chapter shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.

Section 2. Conflicting Standards.

Where the requirements of this Local Law impose a different restriction or requirement than imposed by other sections of the Code of the Town of North Castle, the Town Law of the State of New York or other applicable rules or regulations, the requirements of this Local Law shall prevail.

Section 3. Severability.

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this local law shall not affect the validity of any other part of this local law that can be given effect without such invalid part or parts.

Section 4. Effective Date.

This Local Law shall take effect immediately upon its adoption and filing with the Secretary of State.

Dated: September 9, 2009