

A LOCAL LAW TO AMEND CHAPTER 55
(ASSEMBLIES, PUBLIC) IN FURTHERANCE OF
SPECIAL EVENTS IN THE TOWN OF SWEDEN

Be it enacted by the Sweden Town Board, County of Monroe, State of New York
(hereinafter referred to as the Board), as follows:

SECTION 1. TITLE

This Local Law shall be referred to as the "Special Events Law in the Town of Sweden".

SECTION 2. PURPOSE AND INTENT

1. The purpose and intent of this Local Law is to establish lawful and appropriate procedures and requirements for conducting special events in The Town of Sweden (hereinafter referred to as the Town) to preserve the public peace, good order and integrity of the use regulations established under Chapter 175 (Zoning) in the Sweden Town Code and to provide for the health, safety and welfare of the general public as well as to provide penalties for violations of the provisions herein enacted.

2. The Board finds and determines that special events held at various times throughout the year and at various venues and locations located within the Town enrich and enhance the quality of life of the general public and provide a positive contribution to the cultural, historic, artistic and economic character of the Town. The Board also finds that without proper oversight, certain types of special events can be detrimental and negatively impact the peace, quiet, safety and well-being enjoyed by surrounding properties, Town residents, visitors and the general

public. Such events, as contemplated herein, can provide and allow for the gathering of a large number of individuals in a concentrated time period and/or area and will entail the increase of traffic to a site in numbers that may have negative effects if not properly managed. Such gatherings may also lead to the potential for impacts to existing septic and sewer disposal systems presenting considerations to health of the individuals participating in such events, those surrounding property owners, water owners and resources. These impacts and/or effects could include noise, lighting impacts and/or solid waste handling. The Board further finds and determines that a system of organization and review of special events is a necessary and appropriate method of preserving and protecting the public health, safety and welfare of property owners in order to maintain compliance with applicable laws of the State of New York and the Sweden Town Code and also to maintain the quality of life for all Town residents.

3. The Board, in order to promote proper government and ensure the proper protection, order, conduct, safety, health, welfare and well-being of persons and property within the Town, finds that it is in the public interest to enact this Chapter pursuant to the provisions of §130, Subdivisions 11, 15 and 19, of the Town Law of the State of New York. This Chapter shall regulate the assembly of persons at any place within the Town.

4. This Local Law amends, supersedes and replaces the previous Chapter 55 (Assemblies, Public).

SECTION 3. DEFINITIONS

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

1. PARKING CAPACITY.

A) For purposes of this Chapter parking capacity is the number of any characterized vehicles permitted on site according to a site plan approved by the Sweden Planning Board.

B) This term is to also be used in conjunction with Chapter 170 (Vehicle and Traffic) of the Sweden Town Code.

2. SPECIAL EVENT.

A) 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 any characterized vehicle transporting individuals 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, concerts, parades, walks, runs, festivals, marathons, bicycle races or motorcycle rallies and which may involve one or more of the following:

- 1) The closing of a public street.
- 2) The use, blocking or restriction of Town property, roads or rights-of-way.
- 3) The use of amplified sound exceeding the standards set forth in Chapter 135 of the Sweden Town Code.
- 4) The sale of merchandise that is not ordinarily sold in the course of the applicant's business.

5) The sale or service of food to the public with the exception of the following:

(a) On land used in agricultural production, the sale or service of food products composed primarily of ingredients produced on the site.

(b) On land used in agricultural production that maintains a winery or farm winery license issued by the State of New York and/or the New York State Liquor Authority, the sale or service of food items which customarily compliment wine tastings and that are ordinarily consumed while standing or walking without the need for utensils.

6) The substantial increase or disruption of the normal flow of traffic on any street or highway.

7) The placement of portable toilets.

8) The placement of temporary no parking or directional signs or banners.

9) The use of any Town and/or public safety services that would not be necessary in the absence of such event.

3. ASSEMBLY. The gathering, collecting or congregating of persons at any place within the Town, with or without the levy of an admission fee, for a common purpose, such as but not limited to sports events, circuses, carnivals, festivals, music festivals and religious observances.

4. BUILDING. A structure wholly or partially enclosed with exterior walls and a roof, of permanent or temporary nature, affording shelter to persons, animals or property.

5. PERSON. Any individual, firm, company, association, society, corporation or group.

6. STRUCTURE. A combination of materials to form a construction that is safe and stable and includes, among other things, stadiums, stages, prop forms, radio towers, sheds, storage binds, tents, billboards, space signs, bleachers, ramps or seats.

7. WORD USAGE.

A) Words used in the present tense include the future, the singular number includes the plural and the masculine shall include the feminine.

B) "Shall" is mandatory and "may" is permissive.

SECTION 4. PERMIT REQUIREMENTS

1. To preserve public peace, good order and the health, safety and welfare of the residents of the Town, special events shall be prohibited in the Town unless a special event permit is obtained in accordance with the requirements set forth in this Chapter as follows:

A) All special events with an expected attendance of less than 500 attendees shall obtain the approval of the Town of Sweden Building Department (hereinafter referred to as the Building Department) as set forth herein.

B) All special events with an expected attendance exceeding 500 attendees shall obtain the approval of the Town Board as set forth herein.

C) All special events are required to have a fire, life and safety inspection, and any additional inspection(s) required by the Building Department prior to commencement, and/or during the event, if deemed necessary by the Building Department.

2. The provisions of this Chapter shall not apply to:

A) 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 hold such an event.

B) Any event held on property owned by a not-for-profit entity for it's own fundraising that is contained on site and has adequate parking, ingress, egress, traffic control and sanitary facilities to host such an event.

C) 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 shall require a permit.

D) An assembly organized by and under the direct control of a volunteer fire company or fire district within the Town.

SECTION 5. SPECIAL EVENTS REQUIRING
BUILDING DEPARTMENT APPROVAL

1. To the extent necessary, required and/or possible, this Chapter is to be read in conjunction with Chapter 130 (Littering), Chapter 175 and more specifically §175-10 of the Sweden Town Code with the proviso that this Local Law and/or Chapter is controlling over any interpretation or conflict with said other Chapters. The following information and materials are to be submitted with an application for a special event permit. The Building Department may accept a single application for a recurring event or a series of similar events. The number of special event permits pertaining to any one applicant shall not exceed two (2) events per month or twelve (12) events in any calendar year.

2. A completed special event application form which includes the following information:

A) The name, address and telephone number(s) of the person who will be organizing the event and who can be contacted prior to and during the event by Town officials. The name of the corporation and the names and addresses of its directors and officers. If the applicant does not reside within the Town, the name and address of an agent who is a natural person and resides in or has a place of business in the County of Monroe and who is authorized to and agrees to a verified statement to accept notices or other documents issued with respect to the application.

B) The address of the event location and the record property owner.

C) The proposed dates and hours of the special event (to include set up and shut down 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 and/or participants.

E) The expected number of vehicles intended to use the property at one time and collectively.

F) The name, address and telephone number(s) of the person(s) who will be engaged in the preparation and/or sale of food, alcohol, or beer and a copy of the New York State Liquor Authority license and Monroe County Department of Health Services permit number for the activity. Food trucks may use the City of Rochester food vendor permit number.

G) The name, address and telephone number(s) of any security company which will work on the premises and a description of the duties to be performed.

H) 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.

I) Certification that the property where the event is to take place is not subject to any covenants or restrictions limiting its use, or if the use restriction is by easement or otherwise, a copy of a survey or diagram depicting the easement area and any reserved area where development rights are intact.

J) The applicant must provide a certificate of general liability insurance naming the Town as an additional insured with limits of \$1,000,000.00 per occurrence (or such other limit as may be required by the Building Department and/or the Board for events).

K) Any other permits or information requested in the discretion of the Building Department.

3. At the time of any such application, a fee located in the Rules and Regulations for Building Controls Fees, is to accompany same to be determined in accordance with Chapter 64(§16) of the Sweden Town Code.

4. A general description of the proposed event including:

A) 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.

B) The names of groups, organizations, charities or individuals who shall benefit from the proceeds of the event.

5. A parking event plan showing:

A) The size of the property and its location in relation to abutting streets and highways.

B) The size and location of any existing building or structure to be utilized during the course of the event and any proposed building, structure or signs to be erected temporarily for the event.

C) The location of stages or tents, if any.

D) The designated area of use for spectators, exhibitors, vendors, employees and organizers.

E) The location of all exits.

F) The location of all fire extinguishers and other fire safety equipment.

G) The location of all temporary utilities to be installed by the event, if any.

H) 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 vehicle.

I) A traffic control plan for vehicles entering and leaving the proposed event.

J) A plan for the use of live outdoor music, loud speakers and other sounds which will be used, if any, and the type and location of speakers and other audio equipment.

K) A description of emergency access and facilities related to the event.

L) Provisions to dispose of any garbage, trash, rubbish or other refuse.

M) The location and description of any additional lighting to be utilized in conjunction with the event.

N) The location of sanitary facilities on site.

6. A description of any signage to be displayed in accordance with the Sweden Town Code.

7. Notwithstanding the foregoing, the Building Department, upon request by an applicant, may partially or totally 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 the law or for the protection of public health, safety and welfare. The Building Department's determination of any such waiver request is to be in writing to the applicant and is to specify the reason for the grant or denial. If such a waiver is granted, the Building Department in its discretion may attach appropriate conditions to protect the public interest.

SECTION 6. APPLICATION, REVIEW,
PROCEDURES AND STANDARDS

1. All applications for a special event permit must be submitted at least sixty (60) days prior to a proposed event to the Building Department with the required fees. Any applications that are incomplete may not be accepted or processed.

2. When the Building Department determines said application is complete, the Building Department shall distribute said application and documentation 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 herein. Such referrals may include various law enforcement agencies, the Sweden Town Planning Board, the Sweden Town Zoning Board of Appeals, the Sweden Fire Marshal, the Sweden Town Attorney, the County of Monroe and any other public service/safety providers.

3. Upon receipt of comments, the Building Department shall determine whether to require revisions to the proposed event application.

4. If no revisions are required, or upon submission of a revised application, the Building Department may deny or approve the application with conditions.

5. In determining whether to grant a special event permit, the Building Department is to consider the following:

- A) The size and capacity of the site to accommodate the proposed event.
- B) The facilities available.
- C) The availability of highways and other means of transportation to and from the site.
- D) The impact of the event on the safe and orderly movement of traffic within and contiguous to the event.
- E) The need for local law enforcement at the event.
- F) 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.
- G) The impact of the event on the movement of firefighting equipment or ambulance service to the Town or to areas contiguous to the event.
- H) The impact on adjacent property owners and the surrounding neighborhood.
- I) Whether the owner, applicant or event sponsor has violated a previously issued special event permit.
- J) 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 Sweden Town Planning Board or the Sweden Town Zoning Board of Appeals.

K) Verification that the issuance of the permit will not violate any existing covenants or easements on the property.

L) 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 discussed hereinabove.

M) Whether the frequency of prior or proposed 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.

N) If an applicant is requesting a special event permit that was held the previous year, new verifications must be obtained from the entities involved.

O) Any other matters that relate to the public health, safety and welfare.

6. A deposit shall be made by the applicant to the Town in an amount to be determined prior to issuance of the permit based upon the estimated direct costs attributable to additional Town and/or other public safety services associated with the event. After the event, the deposit will be used to cover such cost and any monies remaining will be returned to the applicant.

7. A special event permit is not transferrable and shall expire at the close of the event for which it is issued.

8. The special event permit issued hereunder shall be displayed on the premises during the special event and shall be available for inspection by a law enforcement, public service providers or other enforcement office of the Town.

9. The Building Department is to comply with the provisions of the State Environmental Quality Review Act and its implementing regulations and (if applicable) the requirements for Agricultural Data Statements.

SECTION 7. SPECIAL EVENTS REQUIRING BOARD APPROVAL

1. Any event held on property owned, leased or controlled by the Town, or any event where the expected attendance exceeds 500 people, is subject to the approval by resolution of the 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 Board may consider the following criteria in addition to the same information as set forth in SECTION 5 hereinabove:

A) The size of the premises in relation to the number of expected people to attend the event.

B) The sufficiency of arrangements made to control traffic, parking, noise, lighting and refuse.

C) 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.

D) Conflicts with ordinary public use of the land, road or facilities involved.

E) Whether the applicant has been convicted for failure to comply with the terms of this Chapter within the last three (3) years.

F) If two or more events with an expected attendance of more than 500 people are scheduled for the same date and are within a half mile radius of each other, the Board will determine if there are adequate resources for the events. If there are not sufficient resources to ensure public health and safe, the Board can deny one or more permits if the impacts of the

events cannot be mitigated. When deciding which event to deny, the Board shall consider the following:

- (1) Whether the event is recurring.
- (2) Whether the site has been subject to a violation within the last three (3) years.
- (3) The date the permit application was submitted.
- (4) If events occurred the prior calendar year, the Building Department shall consider what their impact was on that area of the Town.
- (5) If the event will yield a donation to one or more local charities.

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

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

- (1) The name, mailing address, e-mail address and telephone number(s) of the person who will be organizing the event and who can be contacted prior to and during the event by Town officials.
- (2) The proposed event location and type of event.
- (3) The proposed dates and hours of the special event, including set up and shut down times.
- (4) The expected maximum number of persons intended to use the property at one time and collectively, including organizers, employees, vendors, exhibitors, spectators and participants.

(5) Any special requirements needed for the event, including but not limited to, police presence or road closures.

B) An application fee as discussed hereinbefore.

C) A certificate of insurance not less than \$1,000,000.00 naming the Town as an additional insured.

D) A deposit shall be made by the applicant to the Town in an amount to be determined prior to issuance of the permit based upon the estimated direct costs attributable to additional Town and/or other public safety services 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.

E) Any additional information requested and/or required by the Town.

3. For any special event where the expected attendance exceeds 1,000 attendees, the application shall include information required by law, as well as the following:

A) A certificate of insurance not less than \$2,000,000.00 naming the Town as an additional insured.

B) The 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 assessment roll, and directly opposite (by extension of lot lines through a street or right-of-way) of the property that is the subject of the application.

4. Notwithstanding the foregoing, the Board, upon request by an applicant, may partially or totally waive in whole or in part any of the forgoing application requirements upon finding that said requirements are not necessary for proper consideration of a permit application or for

the protection of public health, safety and welfare. The Board resolution is to specify the reason for such a grant or denial. If such a waiver is granted, the Board in it's discretion may attach appropriate conditions to protect the public interest.

5. To the extent necessary, required or possible, this Section is to be read in conjunction with Chapter 175 (Zoning) and specifically §175-10 of the Sweden Town Code with the proviso that this Local Law and/or Section is controlling over any interpretation or conflict involving this Local Law and/or this Section with §175-10.

6. The Board is to comply with the provisions of the State Environmental Quality Review Act and its implementing regulations (if applicable) and the requirements for Agricultural Data Statements.

SECTION 8. ENFORCEMENT AND PENALTIES

1. If, after a permit is issued, a determination is made by the Building Department and/or the Board 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 modify or rescind the special permit, same to specify the reasons for doing so or in which the permittee has not complied with the terms of its permit and/or identifying the incorrect information supplied in the application.

2. 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, fail in any manner to comply with a written notice, directive or order, or to conduct any special event in a manner not in compliance with a special permit issued pursuant to this Chapter and/or the Town Code.

3. For each such offense, the owner, occupant or his/her agent or person who commits, takes part or assists in the commission of any such offense or who shall fail to comply shall be subject to the following:

A) 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 outline herein shall be subject to a fine of not less than \$500.00 and not more than \$1,500.00.

B) Failure to comply with the term of a permit Any person failing to comply with the terms of a permit shall be subject to a fine of not less than \$500.00 and not more than \$1,500.00.

C) For each subsequent offense, violators shall be guilty of a misdemeanor and/or subject to a fine of not less than \$500.00 nor more than \$2,500.00.

4. No permit is to be issued to any property owner, occupant or his/her agent if such person is named as a defendant in an outstanding or unresolved violation of this Chapter.

5. The Town may in it's sole discretion maintain any action or proceeding in a Court(s) of competent jurisdiction, for remedial action to cure a violation of this Chapter including, but not limited to, compliance proceedings and/or injunctive proceedings.

SECTION 9. SEVERABILITY AND/OR VALIDITY

If any clause, sentence, paragraph, subdivision, section or part of this Local Law, or the application thereof to any person, individual, firm or corporation, or circumstance, shall be adjudged by any Court of competent jurisdiction to be invalid or unconstitutional, such Order or Judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its

operation to the clause, sentence, paragraph, subdivision, section or part of this Local Law, or in its application to the person, individual, firm or corporation, or circumstance, directly involved in the controversy in which said Order or Judgment shall be rendered.

SECTION 10. AUTHORITY

This Local Law is enacted pursuant to the New York State Constitution and Municipal Home Rule Law §10.

SECTION 11. EFFECTIVE DATE

This Local Law shall take effect upon the date it is filed in the Office of the New York State Secretary of State in accordance with Municipal Home Rule Law §27.

Dated: Brockport, New York