

**TOWN OF SENECA FALLS, NY (Adopted Feb. 5, 2013)**

**EVENT POLICY**

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**1 – DEFINITIONS**

“Applicant” means any person(s) or organization who seeks a special event permit from the Town to conduct or sponsor an event governed by this policy. All applicants must be twenty-one (21) years of age or older to file application.

“Athletic event” means any occasion in which a group of persons collectively engage in a sport or form of physical exercise on a public street, sidewalk, alley or other public right-of-way, which obstructs, delays, or interferes with the normal flow of pedestrian or vehicular traffic, or does not comply with traffic laws and controls. Athletic events include bicycle and footraces, bike-a-thons, and walk-a-thons.

“Motorcade” means any organized procession containing ten (10) or more vehicles, except funeral processions, upon a public street, alley or other public right-of-way.

“Parade” means any march or procession consisting of people, animals, bicycles, vehicles or combination thereof, except funeral processions, on any public street, sidewalk, alley, or other public right-of-way, which obstructs, delays, or interferes, with the normal flow of pedestrian or vehicular traffic, or does not comply with traffic laws or controls.

“Special Event” means any parade, fair, show, festival, carnival, rally, party, filming (movie, video or television show), motorcade, run, street dance, bike-a-thon, race, walks, athletic event or other attended entertainment or celebration that is to be held in whole or in part upon publicly-owned property and/or public right-of-way, or, if held wholly upon private property, will nevertheless affect or impact the ordinary and normal use by the general public of public property or public rights-of-way within the vicinity of the event. Special Event shall also mean any activity to be held in whole or in part upon publicly-owned or controlled property and/or public rights-of-way where merchandise or services are offered for sale, whether by for-profit or non-profit organizations.

“Street Dance” means any dance of eight (8) or more people on or within any publicly-owned parking lot or other publicly-owned property, or any other public street, alley, sidewalk, or other public right-of-way.

## **2 – PERMIT – REQUIRED**

Any person(s) or organization desiring to conduct or sponsor a special event in the Town shall obtain a special event permit from the Town Board.

## **3 – PERMIT – NOT REQUIRED**

A) Special event permits are not required for the following:

- Wedding processions or funeral processions on the streets;
- Parades involving a total of thirty (30) or fewer pedestrians marching along a parade route that is restricted to marching on sidewalks, and crossing streets only at pedestrian crosswalks in accordance with traffic regulations and controls;
- Groups of students involved in exercising as part of an organized school sports/club turn-out;
- Gatherings of people whose activities fall within the scope of the Town facility being utilized, provided that said activities do not pose a significant liability risk or risk to public safety;
- Special events sponsored in whole or in part by the Town;

## **4 – PERMIT – APPLICATION – REQUIREMENTS**

- A) Filing of Application: Any person(s) or organization desiring to sponsor a special event not exempted by this policy shall apply for a special event permit by filing a completed application with the Commissioner of Parks & Recreation on a form supplied by the Parks & Recreation Department (available at Seneca Falls Community Center, 35 Water St.). This application shall be filed not less than sixty (60) days in advance of the date on which the event is to occur.
- B) Waiver of Application Deadline: Upon showing of good cause, or at the discretion of the Commissioner of Parks & Recreation, applications filed after the deadline may be considered if there is sufficient time to process and investigate the application and obtain police and/or other Town services for the event. Sufficient time must also be available to allow for timely approval of said event by the Town Board. Good cause can be demonstrated by the applicant showing that the circumstance that gave rise to the permit application did not reasonably allow the participant(s) to file within the time prescribed or that the event is for the purpose of exercising the right of free speech.
- C) Information requested on Application: In order that adequate arrangements may be made for the proper protection of the special event, the Commissioner of Parks & Recreation shall have the authority to set the information required on the application. Such information shall include but not be limited to:
- The name of the applicant(s), the sponsoring organization(s), the special event coordinator(s), and appropriate address(es) and telephone number(s) of applicant(s);
  - The purpose of the special event, the date(s) when it is proposed to be conducted, location(s), hours of operation, site map(s) or event route(s), and schedule of events;
  - Such other information as deemed reasonably necessary by the Commissioner of Parks & Recreation;
- D) Application Filing Fee: The application for a special event permit shall be accompanied by a filing fee which will also serve as a refundable security/cleanup deposit. Said fee will be \$100 per day of proposed event. Fee shall be refunded upon Town/Permittee inspection of event site(s) at completion of event (see further information regarding cleanup requirements in section 12 of this policy).

## **5) PERMIT – APPLICATION – REVIEW**

In reviewing the application for the purpose of determining whether the permit should be issued or denied, the Commissioner of Parks & Recreation shall notify and seek consultation with other Town Officials (Police, DPW, Fire, etc.) and shall make such review in conformance with the grounds for denial set forth in this policy. Upon the proper, timely, and diligent review of qualified applications, the Commissioner of Parks & Recreation shall present said application to the Town Board for approval. Disqualified or incomplete applications shall be sent back to applicants with reasons for disqualifications or with request for more information, clarifications, or corrections.

## **6) PERMIT – DENIAL**

The Town Board may deny an application for a special event if it is determined from a consideration of the application, or other pertinent information, that:

- A) Information contained in the application, or supplemental information requested from the applicant, is found to be false or nonexistent in any material detail; or
- B) The applicant fails to complete the application form after having been notified of the additional information or documents required; or
- C) The applicant refuses to agree to abide or comply with all of the conditions and terms of the permit; or
- D) It is found that the purpose of the special event is principally devoted to the advertising and sale of a commercial product or service or for a private commercial process; or
- E) The time, route, hours, location, or size of the special event will unnecessarily disrupt the movement of other traffic within the area; or
- F) The special event is of the size or nature that requires the diversion of so great a number of Town police officers to properly safeguard the event, site, and contiguous areas that allowing the special event would unreasonably deny police protection to the remainder of the Town and its residents; or
- G) Another special event permit application has already been received, or has already been approved, to hold another event at the same time and place requested by the applicant, or so close in time and place as to cause undue traffic congestion, or the police department and/or other Town departments are unable to meet the needs for police and/or other Town services for both events; or
- H) The location of the special event would cause undue hardship for adjacent businesses or residents; or
- I) The location of the event will substantially interfere with any construction or maintenance work scheduled to take place upon or along public property or right-of-way, or a previously granted right-of-way disturbance permit; or
- J) The event shall occur at a time when a school is in session at a route or location adjacent to the school or class thereof, and the noise created by the activities of the event would substantially disrupt the education activities of the school or class; or
- K) The event would endanger public health or safety; or
- L) The event would seriously inconvenience the general public's use of public property, services, or facilities; or

- M) The applicant fails to comply with the liability insurance requirements, or the applicant's insurance lapses or is cancelled; or
- N) The event would create or constitute a public nuisance; or
- O) The event would be likely to cause significant damage to public property or facilities; or
- P) The event would engage in or encourage participants to engage in illegal acts.

## **7) CONDITIONS**

The Town Board may condition the issuance of a special event permit by imposing reasonable requirements concerning time, place and manner of event, and such requirements as are necessary to protect the safety of persons and property, and the control of traffic, provided such conditions shall not unreasonably restrict the right of free speech. Such restrictions may include but are not limited to:

- A) Alteration of the date, time, route or location of the event proposed on the event application;
- B) Elimination of an activity which cannot be mitigated to a point as to ensure public safety and welfare, or which causes undue liability to the Town;
- C) Conditions concerning the area of assembly and disbanding of a parade or other events occurring along a route;
- D) Conditions concerning the accommodation of pedestrian or vehicular traffic, including restricting the event to only a portion of a street or right-of-way;
- E) Requirements for the use of traffic cones or barricades;
- F) Requirements for the use of Town personnel and equipment, including payment of the reasonable cost of providing such personnel and equipment. Town personnel and equipment may include, but is not limited to, traffic barricades, vehicles, employee overtime expenses, etc.;
- G) Requirements for the provision of first aid or sanitary facilities;
- H) Requirements for the use of event monitors and providing notice of permit conditions to event participants;
- I) Requirements to provide notice to surrounding property owners;
- J) Restrictions on the number and type of vehicles, animals, or structures at the event, and inspection and approval of floats, structures and decorated vehicles for fire safety;
- K) Compliance with animal protection ordinances and laws;
- L) Requirement for the use of garbage containers, cleanup and restoration of Town property;
- M) Restrictions on the use of amplified sound and compliance with noise ordinances, regulations and laws;
- N) Compliance with any relevant ordinance or law and obtaining any legally required permit or license;

- O) Any other restriction or requirement deemed necessary to ensure public health, safety and well-being;
- P) Restrictions on the sale and/or consumption of alcohol.

## **8) PERMIT – ISSUANCE**

The Commissioner of Parks & Recreation shall issue the special events permit once the application has been approved by the Town Board and the applicant has agreed in writing to comply with the terms and conditions of the permit as well as the sections of this policy dealing with indemnification, insurance, fees associated with Town services, and facility restoration/cleanup requirements, when applicable.

## **9) INDEMNIFICATION AGREEMENT**

Prior to the issuance of a special event permit, the permit applicant and/or authorized representative of the sponsoring organization, if any, must sign an agreement to defend the Town against, and indemnify and hold harmless, the Town, its officers, employees, agents and authorized volunteers, where such claim arises in whole or in part out of the activities for which such permit is issued; except any claims arising solely out of the negligent acts or omissions of the Town, its officers employees, agents and authorized volunteers.

## **10) INSURANCE REQUIREMENTS**

- A) **Liability Coverage Required:** The applicant/sponsoring organization of an event must possess or obtain public liability insurance to protect against loss from liability imposed by law for damages on account of bodily injury and property damage arising from the event. A certificate of insurance shall be filed thirty (30) days prior to the event with the Commissioner of Parks & Recreation, and shall name the Town, it's officials, employees, agents and authorized volunteers, as additional insured. Insurance coverage must be maintained for the duration of the event.
- B) **Minimum Limits Defined:** Coverage shall be a commercial general liability policy. Minimum limits required are one (1) million dollars each occurrence combined single limit bodily injury and property damage; two (2) million dollars aggregate. If alcoholic beverages are sold or served at event, the policy must also include an endorsement for liquor liability. If the event involves athletic or other types of active participants, the policy must include participant coverage. The Town Board may require additional endorsements depending upon the proposed activity.
- C) **Waiver of Insurance:** An insurance waiver may be issued if the applicant or representative of an organization signs a verified statement that he believes the event's purpose is First Amendment expression, and that the cost of obtaining insurance is so financially burdensome that it would constitute an unreasonable burden on the right of First Amendment expression. The statement shall include the name and address of two insurance agents or other source of insurance coverage contacted to determine premium rates for insurance coverage.

## **11) TOWN SERVICES AND EQUIPMENT USE**

- A) Fees for the use of Town services and equipment will be waived in part or in full by the Town Board if in review of the application they feel that the event is of sufficient community benefit to warrant the expenditure of Town funds without reimbursement by the applicant(s).
- B) The fees for Town services and equipment may also be waived in part or in full by the Town Board if the applicant(s) signs a verified statement that the event's purpose is First Amendment expression, and that the cost of Town services and equipment is so financially burdensome that it would constitute an unreasonable burden on the right of First Amendment expression.

## **12) SECURITY/CLEANUP DEPOSITS**

- A) As stated earlier, upon satisfactory Town/Permittee inspection of property/facilities used for the special event, Permittee(s) shall be refunded the security/cleanup deposits submitted upon filing of original application.
- B) If properties and/or facilities used for the special event have not been properly cleaned and/or restored, applicant(s) shall be billed for the actual cost by the Town for cleanup and/or restoration less the \$100 per day security/cleanup deposit submitted with the original application.

## **13) REVOCATION OF PERMIT**

Any permit issued pursuant to this policy may be revoked by the Commissioner of Parks & Recreation on consultation with the Chief of Police, Fire Chief and the Town Supervisor, if available, at any time when, by reason of disaster, public calamity, riot or other emergency, it is determined that the safety of the public or property requires such revocation. They may also summarily revoke any permit issued pursuant to this policy if it is found that the permit has been issued based upon false information or when the permittee exceeds the scope of the permit. Written notice of such action revoking a permit shall be delivered in person to the permittee or, if time allows, by certified mail at the address specified by the permittee on the application. Revocations based on disaster, public calamity or other issues outside the Permittee's control shall result in full refund of all deposits/payments. Any revocation based on the providing of false information or the exceeding of the scope of the permit shall result in forfeiture of all deposits and may result in the invoicing of fees incurred by the Town in regards to the event.

## **14) DUTIES OF PERMITTEE/SPONSOR OF EVENT**

- The permittee whose name appears on the permit and/or an officer of the sponsoring organization must be available and present at the special event site throughout duration of event;
- Permittee must carry a copy of permit, as well as any list of conditions placed on event, on his/her person throughout duration of event;
- Permittee must maintain compliance with all terms and conditions of the permit;
- Permittee shall ensure that the person leading a parade or other event along a route shall be informed of all permit conditions;
- Permittee shall ensure that restoration/cleanup is conducted such that property/facilities are left in same condition as existed prior to event;
- Upon completion of event, permittee shall be available to inspect, along with Town representatives, property/facilities used by event in accordance with restoration/cleanup requirements.