

THE FOLLOWING RESOLUTION ADOPTING LOCAL LAW NO. 9
OF THE YEAR 2012 WAS MOVED BY COUNCILMAN BARAN,
WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN ROONEY

Be in enacted by the Town Board of the Town of Newstead as follows:

SECTION 1. TITLE

This Law shall be known as Local Law No. 9 of the Year 2012 entitled "Special Events Law of the Town of Newstead ".

SECTION 2. PURPOSE

The purpose of this to amend the Zoning Law to add a provision regulating special events within the Town of Newstead to provide for public safety by requiring adequate parking and security, requiring adequate bathroom facilities, providing limits to noise allowed and regulating the hours of such special events.

SECTION 3. AMENDMENT OF CODE

The Zoning Law of the Town of Newstead as originally adopted by Local Law No. 2 of the Year 1995 and amended at the time of the re-codification of the Code of the Town of Newstead is amended by this Local Law No. 9 of the Year 2012 to add a new provision to be codified under §450-76.1 and which provision shall read as follows:

§ 450-76.1. Special Events Permits

The Town Board of the Town of Newstead has determined that in order to maintain and preserve public health and safety that there is a need to have some control over special events that are scheduled to take place in the Town of Newstead outside of the Village of Akron. For purpose of this section, a Special Event shall be an event that is preplanned to occur within the Town of Newstead and is anticipated to result in attendance by 50 or more persons and shall include Special Events and/or holiday events such as "Fly-in Days" for the Akron Airport, the Pumpkin Festival in addition to other events throughout the Town of Newstead. Private parties, including, but not limited to, graduation parties, wedding celebrations and birthday parties, shall be excluded from the Special Event Permit requirements, provided that all the parking for such event is on private property and only on one side of the public right of way as will be golf tournaments conducted at golf courses. Such Special Events shall exclude events that are scheduled to occur solely within a completely enclosed building that has been constructed expressly for the conduct of special events such as the Western New York Exhibition Center or other similar center.

Special Events Permits shall provide for hours of operation of the special events and limitation as to the permitted noise level as measured from adjoining properties.

A. Application for permit.

The person or organization that wished to conduct such special event shall file an application with the Building Department for approval of a permit to conduct such special event. Such application for a Special Event Permit shall include the following information:

- (1) The proposed date or dates for the special events and the hours during which such special events are to be conducted.
- (2) The number of persons that are anticipated to attend, including the number that are anticipated to be at the event at any given time.
- (3) A map or sketch showing the location where such event is to be held which map or sketch must show the following:
 - (a) the location of parking facilities indicating the number of parking spaces that are being provided for.
 - (b) the location of toilet facilities including the location of port-a-potties if they are to be provided.
 - (c) the location of the entrances where the public is to enter onto the site and where the public is to exit the site.
 - (d) the location of vendor facilities including booths and food service facilities
 - (e) the location of all adjacent residential structures
 - (f) In the case of special events and/or holiday events such as “Fly-in” Days at the Akron Airport, the Pumpkin Festival or etc. information shall be provided as to where the vehicles are to be parked during such event and any additional traffic control measures that are to be undertaken to deal with the additional traffic into the facility.
- (4) What steps are being undertaken to control traffic and provide security for the special events including the organization that is to provide security and the number of security personnel that are to be provided.
- (5) A Special Event Permit Fee of \$100 shall be required for a single special event or for a series of special events, provided each such special event in the series is to be conducted at the same location and with similar conditions. Such Special Event Permit Fee shall be waived in the case of community based special events such as the Fourth of July, Celebration and other similar events.

B. Upon receipt of the application for a Special Event Permit, the Building Department of the Town of Newstead shall review the application for completeness. If some information is lacking or believed to be insufficient, the Building Department shall request supplementary information. Once the application is deemed to be complete, the Building Department shall issue the special event permit which permit shall, among other things establish set forth the approved hours for such special event. The hours for such special event shall not extend beyond 11:00 pm. The permit may require additional restroom facilities, traffic control and security measures beyond those set forth in the application.

C. All special events shall be subject to the requirements of the any Noise Law hereafter enacted by the Town of Newstead, if any.

D. Failure of the applicant to abide by the terms and conditions of the Special Event Permit shall be deemed a violation of the Code of the Town of Newstead and may subject the applicant to a penalty of \$50 per violation and may be grounds for denial of future requests for a

Special Events Permit.

E. Failure to obtain a Special Event Permit prior to holding a Special Event as set forth herein shall constitute a violation of the Code of the Town of Newstead and will subject the property owner on which a Special Event was conducted to a penalty in the minimum amount of \$200 per violation. Any such special event that is conducted without a permit shall be required to be immediately shut down following the issuance of a violations notice by the Code Enforcement Officer of the Town of Newstead. A second subsequent violation shall result in a penalty in the minimum amount of \$250 per violation.

SECTION 4. SEPARABILITY

If any section, subsection phrase, sentence or other portion of this local law is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION 5. EFFECTIVE DATE

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

The above resolution enacting Local Law No. 9 of the Year 2012 was duly put to a roll call vote at a regular meeting of the Town Board on the 27th day of December 2012, the results of which were as follows:

Councilman	Justin Rooney	Voted	NO	
Councilman	James Mayrose	Voted	AYE	
Councilman	Richard Baran	Voted	AYE	
Councilman	Donald York	Voted	NO	
Supervisor	David L. Cummings	Voted	AYE	CARRIED