

# Local Law Filing

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**(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  Town  Village  
(Select one.)

of Briarcliff Manor

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Local Law No. 10 of the year 2020

A local law A LOCAL LAW ADDING A NEW CHAPTER 164 ENTITLED "PUBLIC ASSEMBLIES,

(Insert Title)

PARADES AND CELEBRATIONS" OF THE CODE OF THE VILLAGE OF

BRIARCLIFF MANOR

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Be it enacted by the Board of Trustees of the

(Name of Legislative Body)

County  City  Town  Village  
(Select one.)

of Briarcliff Manor

as follows:

SEE ATTACHED

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**(If additional space is needed, attach pages the same size as this sheet, and number each.)**

(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. 10 \_\_\_\_\_ of 2020 \_\_\_\_\_ of the (County)(City)(Town)(Village) of Briarcliff Manor \_\_\_\_\_ was duly passed by the Board of Trustees \_\_\_\_\_ on OCTOBER 20 2020 \_\_\_\_\_, in accordance with the applicable (Name of Legislative Body) 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 (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted (Elective Chief Executive Officer\*) 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 (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_, and was (approved)(not approved) (Name of Legislative Body) (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 (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_, and was (approved)(not approved) (Name of Legislative Body) (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.

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\* 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 chairperson 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 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.



Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date:

10-21-20

(Seal)

A LOCAL LAW AMENDING THE  
CODE OF THE VILLAGE OF  
BRIARCLIFF MANOR TO ADD A  
NEW CHAPTER 164 ENTITLED  
“PUBLIC ASSSEMBLIES,  
CELEBRATIONS, PARADES”

Be it enacted by the Board of Trustees of the Village of Briarcliff Manor as follows:

Section 1. The Code of the Village of Briarcliff Manor is amended by adding a new

Section 164 entitled “Public Assemblies, Celebrations, Parades” to read as follows:

**“Chapter 164. Public Assemblies, Celebrations, Parades**

**§ 164-1 Intent of regulations.**

The Village allows for temporary, short-term use of Village property, or closures of public streets and sidewalks, to promote celebrations, processions, block parties, and other events that may contribute to the enjoyment of Village life. However, the Village recognizes the need for orderly administration when such activities, left uncontrolled, might have a deleterious effect on the health, safety, and general welfare of the community and the peaceful enjoyment of the village for its residents.

**§ 164-2 Permit required.**

- A. A permit ("Permit" or "permit") is required for any parade, procession, assembly, celebration, festival, farmer's market, street fair, party, or similar activity or event held on public property, that may
  - (1) include more than twenty (20) people or ten (10) vehicles; or
  - (2) involve the exclusive use of a public street or sidewalk, village property, or parkland; or
  - (3) impede pedestrian passage or otherwise interfere with the regular operations of a public sidewalk or pathway; or
  - (4) require motorists to detour from a regularly open route, impede traffic, or otherwise limit access to a public roadway; or
  - (5) occur outdoors, and include live or recorded music, or any other sound amplification equipment; or

- (6) potentially create a hazardous condition for other vehicles, pedestrians, passers-by, or other residents of the village; or
- (7) create a disturbance to the community by creating additional traffic, noise, trash, or visual disturbance for others.

B. No permit shall be required for a procession of cars as part of a funeral.

C. No permit shall be required for any exercise of Constitutionally-protected free speech or exercise of religion, but nothing herein shall prevent the Village, under lawful police power, from taking actions to keep the peace, minimize disturbance, and protect the health, safety, and general welfare of the community, the public, and all public and personal property.

D. Any permit issued under this Chapter may be in addition to, and not in place of, any other permit required as per Chapter 124 Filming and Photography, Chapter 153 Parks and Recreation, or any other Chapter that may regulate or require permits or previous written authorization under this Village Code.

E. Events held by the Parks and Recreation Department of the Village of Briarcliff Manor are exempt from the regulations of this chapter.

**§ 164-3 Permit applications; conditions.**

A. All permit applications shall be submitted to the Village Clerk in person, by electronic mail, by overnight delivery service, or by United States mail, on a form provided by the Village which shall include:

- (1) The name, address, phone, and email address of the Village resident sponsoring such application.
- (2) A map showing the highlighted streets, sidewalks, park areas, or other public property to be impacted, and a written description of starting and end points as appropriate.
- (3) The date, time, duration of the desired event.
- (4) A description, in detail sufficient for the Village Clerk, of the purpose of the event, the projected attendance, any special conditions and planned mitigation thereof, including any conditions that may generate unusual trash, odor, light, or noise;; any cooking, grilling, or serving of food; any use of fire or open flame; any consumption of alcoholic beverages; any live music or amplified sound; or any other potential impacts to neighbors, passers-by, or the community.
- (5) Names and cell phone numbers for at least two adult residents who will be on-site at the event.
- (6) A signed hold-harmless and indemnification agreement together with a certificate of insurance naming the Village of Briarcliff Manor as an additional insured and relieving the Village from any potential liability by virtue of the applicant's activities.

(7) Full payment of a fee, as established by resolution of the Board of Trustees, published in the Master Fee schedule, as may be amended from time to time.

B. All permit applications must be received by the Village Clerk no later than seven (7) calendar days before the scheduled event.

C. The Village Clerk, while reviewing a permit application, may seek, or require, the advice of other Village Departments including but not limited to the Village Manager, Police Department, Fire Department, Ambulance Department, Public Works, Building Department.

D. The Village may require the applicant, at the applicant's sole cost, to notify and provide property owners most impacted by the proposed street or sidewalk closing, as determined solely by the Village, with advanced notice of such closing, and any permit granted may be subject to receipt of proof of such notifications in a format acceptable to the Village Clerk.

E. The Village may attach additional reasonable conditions and safeguards to any permit to ensure the orderly conduct of the activity and the minimization of impacts of such use, including specifying the duration and hours of operation of such activity, to protect the health, safety, and welfare of Village residents and to safeguard public or personal property.

F. The Village may further require as a condition of any permit that the applicant first meets with, or utilizes the services of, the Village of Briarcliff Manor Police Department, Fire Department and/or Ambulance Department at rates published in the Master Fee schedule, for each four-hour period or part thereof. The Applicant shall provide to such Village personnel proper restroom facilities and water. Proper meals and other such support for services shall be provided to any such Village personnel so present in excess of four consecutive hours.

G. The Village resident sponsoring the event shall ensure that public property remains litter-free and undamaged and agrees to reimburse the Village for any reasonable costs to restore to its original state, or if necessary to repair or to replace, any public property, consistent with Chapter 165 Protection of Public Property.

H. The Village may require the applicant to post reasonable bond or cash security to assure adherence to any permit conditions.

#### **§ 164-4 Fees.**

Each applicant shall pay a permit fee to the Village for any event regulated herein, or any other use of public property, as set forth in the Master Fee Schedule adopted by resolution of the Village Board of Trustees as such fee may be amended from time to time.

#### **§ 164-5 Denial and Revocation of permit.**

A. In the event the applicant has not complied with the requirements or conditions of a permit as set forth herein, including the timely receipt of such permit application, the Village Clerk may deny the permit request, or revoke a permit previously granted.

B. The Village Clerk, Village Manager, the Building Inspector, the Chief of Police, the Chief of the Fire Department, or their lawful appointee designee, may revoke a permit and terminate any event in progress if:

- (1) The event granted under the permit violates any law or ordinance;
- (2) The size of attendance, number of vehicles, or disturbance therefrom, exceeds the parameters of the approved permit;
- (3) The event becomes disorderly, disruptive, or unruly, or otherwise threatens the public health, safety, or welfare of the Village of Briarcliff Manor, its residents, or public or personal property;
- (4) Any information provided on the application for a permit is false, or significant information regarding the nature of the event was omitted from the application for a permit.

C. In the event that a permit is denied, or subsequently revoked under the regulations herein, the applicant may appeal this determination to the Village Board of Trustees. After review of said appeal, the Village Board of Trustees may affirm or reverse such action, or modify the conditions for approval, based upon a finding that the determination of denial or revocation was arbitrary, capricious or not supported by substantial evidence.

#### **§ 164-6 Enforcement.**

This chapter shall be enforced by the Village Manager, the Building Inspector, or their respective designees, and any member of the Village of Briarcliff Manor Police Department.

#### **§ 164-7 Penalties for offenses.**

- A. Any person, persons, corporation, company, group or other entity of any kind who or which fails to obtain the permit required herein or otherwise violates any provision of this chapter shall be guilty of an offense that shall be punishable, in the sole discretion of the court, by a fine of not more than \$1,000 per offense related to a sidewalk, and a fine of not more than \$2,500 per offense for a street or other public property, and shall pay to the Village any permit fees that would have been required had an application for a permit been duly filed.
- B. The imposition of such fine shall not be the Village's exclusive remedy in the event of a violation of this chapter. The Village may pursue any and all other legal remedies available to it in connection with any violation of this chapter, including but not limited to those contained within Chapter 165 Protection of Public Property.

#### **§ 164-8 Previous violations.**

Notwithstanding any of the foregoing, an applicant who has been previously convicted of or plead guilty to a violation of this chapter shall not be granted a permit hereunder for a period of 18 months from the date of such conviction.

**§ 164-9 Severability.**

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

**§ 164-10 Effective Date.**

This local law shall take effect immediately upon filing in the Office of the Secretary of State of New York in accordance with the provisions of the Municipal Home Rule Law.

Section 2. Severability. The invalidity of any word, section, clause, paragraph, sentence, part or provision of this local law shall not affect the validity of any part of this local law which can be given effect without such valid part or parts.

Section 3. Effective Date. This local law shall take effect immediately upon filing in the Office of the Secretary of State of New York in accordance with the provisions of the Municipal Home Rule Law.