

TOWN OF NORTH SALEM

Policy Governing Public Special Events on Certain Town Property

Whereas, the Town of North Salem wishes to establish a policy governing the use of Town-owned property at the Croton Falls Greenspace, Joe Bohrdrum Park or Volunteer's Park, for special *events open to the general public where attendance of 100 or more persons and/or a duration of four hours or more is anticipated*, and governing the use of the Croton Falls Commuter Parking Lot for a farmer's market as permitted by the City of New York Department of Environmental Protection ("NYCDEP") under NYCDEP Permit No. 3547;

Therefore, it is resolved, that:

1. Any person desiring to request the use of the Croton Falls Greenspace, Joe Bohrdrum Park or Volunteer's Park, for an event open to the general public where attendance of 100 or more persons and/or a duration of four hours or more is anticipated, or desiring to use the Croton Falls Commuter Parking Lot for a farmer's market as permitted by NYCDEP Permit No. 3547, shall file with the Town Clerk's Office, 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 in the amount of \$250. The application shall be filed 45 days in advance of the event, provided that the Town Board may, in its discretion, permit an application to be filed within a shorter period of time in advance of the event. In the permit application, the Applicant shall provide the following:
 - A. The Applicant's full name, address, phone numbers and email address.
 - B. The proposed location of the special event; the dates when the special event shall be conducted; the times during which the event will be conducted; the names, addresses, phone numbers and planned role in the event of any planned exhibitors, vendors and other participants; and whether there will be an entrance fee.
 - C. The maximum number of persons that the Applicant anticipates will attend the special event per day and in total.
 - D. A plan or sketch 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. Name, address, cell phone number, and email address of a person or persons who will be on-site during the entire event and who will have control of and responsibility for all participants and activities in the event (referred to herein as "The Event Manager").
 - F. A plan for the provision of security and/or traffic control. The Applicant shall be responsible for contacting the Chief of Police of the North Salem Police Department and including a plan for security and/or traffic control measures that is satisfactory to the Chief of Police. The Applicant shall be solely responsible for the cost of the plan for the provision of security and/or traffic control.

- G. A plan for fire prevention and safety. The Applicant shall be responsible for contacting the Building Inspector and including fire prevention and safety measures satisfactory to the Building Inspector. The Applicant shall be solely responsible for the cost of any site-specific plan for the provision of fire prevention and safety measures.
- H. A plan for emergency medical service. The Applicant shall be responsible for contacting the Town Coordinator of Emergency Management and including a plan for providing emergency medical service that is satisfactory to the Town Coordinator of Emergency Management. Where it is anticipated that 3,000 or more persons will attend the event over a 24-hour time period, the plan for providing emergency medical service shall include having a stand-by ambulance. The Applicant shall be solely responsible for the cost of any site-specific plan for the provision of emergency medical service.
- I. A plan for cleanup of the event site. The Applicant shall be responsible for including a plan for the cleanup of the event site after the occurrence of the event. The Town Board may require the Applicant to post a bond in an amount not to exceed \$500, which may be used to secure compliance with the clean-up plan, and which shall be returned to the Applicant once it has been determined that the Applicant has complied with the plan.
- J. Temporary building permits and inspections. Prior to commencement of any event, the Applicant shall, at its sole expense, make arrangements for the inspection of any pavilion, tent or other temporary enclosure or structure and obtain any temporary building permit that the Building Inspector may require. The Applicant shall arrange for an on-site fire prevention and safety inspection of the event location and facilities within 48 hours of the commencement of the event.
- K. Other Approvals. Prior to commencement of any event, the Applicant shall, at its sole expense, obtain any approvals that may be required under the laws, rules and regulations of New York State or Westchester County.
- L. Insurance. Prior to commencement of any event and until completion of the event, the Applicant shall, at its sole expense, maintain insurance on its own behalf and furnish to the Town certificates of insurance from an insurance company licensed to do business in New York State, in accordance with the Town's minimum insurance requirements. Such certificates of insurance shall name as additional insured parties, the Town of North Salem and any other entity that the Town may require to be named, including but not limited to (with respect to the Croton Falls commuter parking lot), the New York City Department of Environmental Protection and the New York City Water Board. Should it be determined that the extent of the operations in any particular case require insurance coverage in greater amounts than the Town's minimum insurance requirements, the Applicant shall provide certificates of insurance in the requested amounts. The Town may, in its discretion, accept insurance certificates from exhibitors, vendors, and other participants, in partial or complete satisfaction of the Applicant's insurance obligations.
- M. If an approval or permit from the Westchester County Department of Health is necessary, the Applicant shall, prior to the commencement of the event, furnish said approval or permit to the Town.

- N. Where an Applicant seeks the use of the Croton Falls Commuter Parking Lot for a farmers market under NYCDEP Permit No. 3547, the Applicant shall, to the greatest extent possible, assist the Town in complying with all conditions and requirements of Permit No. 3547 and shall be responsible for all costs under the permit related to such use. In such circumstances, in the event of a conflict between the requirements of this resolution and the requirements of Permit No. 3547, the requirements of Permit No. 3547 shall prevail.
 - O. Indemnification and hold harmless provision. The Applicant shall agree to an indemnification and hold harmless provision to be included in the application.
2. Upon the filing of an application and payment of the application fee, the Town Clerk's Office shall refer the application to the following Town officials: the Superintendent of Recreation, the Superintendent of Highways, the Chief of Police, the Building Inspector, the Office of Emergency Management Coordinator, and, for an application seeking use of the Croton Falls Commuter Parking Lot, the Town Clerk. The foregoing shall provide comment to the Town Board within ten days of the referral. The Town Board may, in its discretion, shorten the time period for submission of said comments.
- A. The Town Board shall, subsequent to its receipt of comments from the Town officials identified above and/or the expiration of the time period for submission of comments, review the application at a Town Board meeting. This shall occur as soon as practicable.
 - B. The Applicant shall notify the Town Board as soon as practicable when there are any changes to the planned exhibitors, vendors and other participants from what is set forth in the application that was submitted by the Applicant and shall provide the same information as that required by paragraph 1(B).
 - C. The Town Board shall, by vote of its members, decide whether to approve the issuance of a permit.
 - i. A permit may be denied if, in the Board's discretion, the event would present a nuisance, public health or safety hazard or otherwise not conform with the public welfare or any applicable federal, state, county or local law, rule or regulation.
 - ii. A permit shall not be granted to a political or religious organization.
 - iii. The Town Board may modify or waive the application fee under Section 1, the fee non-refundability provision in Section 2(F), security and traffic control costs payable to the Town under Section 1 (F), temporary building permits and inspection fees payable to the Town under Section 1(J), and/or the posting of a cleanup bond under paragraph 1(I) if the Town Board determines that the goals of this policy are best served thereby.
 - iv. 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 conditions established by the Town.
 - v. Any such permit shall be issued subject to the condition that the Town of North Salem and its agents, servants and employees may review and inspect the activities taking place at such times as they wish to do so in their discretion.

- D. Upon the approval of the Town Board, the payment of all applicable fees and the satisfaction of all requirements set forth herein, the Town Clerk shall issue a permit to the Applicant.
- E. A permit is not assignable to any other person, organization or entity.
- F. The Town Board and/or its designated representative may, at any time, revoke any permit, due to:
 - i. Anticipated adverse weather conditions, or
 - ii. A failure to comply with a condition of the permit, this policy or any applicable law, rule or regulation.
 - iii. When a permit is revoked, no refund of any part of the application fee will be made.
 - iv. When a permit is revoked prior to the day of the event, notice of revocation, including the reason therefor, shall be provided by phone call and email to the Applicant per the contact information provided in paragraph 1(A) and a copy of the notice will be provided to the Chief of Police and other officials identified above in paragraph 2.
 - v. When a permit is revoked on the day of the event, notice of revocation, including the reason therefor, shall be provided by phone call and email to the Applicant per the contact information provided in paragraph 1(A) and by phone call and email to The Event Manager per the contact information provided in paragraph 1(E) and a copy of the notice will be provided to the Chief of Police and other officials identified above in paragraph 2.

Adopted June 28, 2022
Amended June 27, 2023