

Local Law Filing

(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~~
~~Village~~ of Oneida
~~Town~~
City

Local Law No. 1 of the year **2012**.

A local law to establish a Special Events Policy in the City of Oneida
(Insert Title)

Be it enacted by the Common Council of the

~~County~~
~~City~~ of Oneida as follows:
~~Town~~
City

SECTION 1.

The Code of the City of Oneida is hereby amended to include a new Chapter 112, titled "Special Events," which shall read as follows:

"Chapter 112. Special Events

§ 112-1 **PURPOSE.** The Mayor and the Common Council of the City of Oneida find that the streets and other public places in the City of Oneida are from time-to-time temporarily closed and used as sites for festivals, art shows and neighborhood celebrations and other public events which are privately sponsored but open to the public. Events of this kind serve to improve the quality of life of the residents of the City of Oneida and often result in large numbers of people congregating within the confines of the temporarily closed streets or public places, and the resulting crowd conditions create concern for police and fire access and

control and other concerns relating to the health, safety and welfare of the public and of persons and property in the closed area. It is therefore essential that a policy be established for governing these events which shall facilitate control over them by the sponsor and by City of Oneida Officials from Departments involved with the event to safeguard persons and property.

§ 112-2 **DEFINITIONS.** As used in this Chapter, the following terms shall have the meanings indicated:

BLOCK PARTY - Event held by the residents of a defined section of the City of Oneida to be attended by the residents of that particular section.

SPECIAL EVENT - A preplanned single event or series of events that, because of its/their nature, interest, location, promotion or any combination of similar influences, is expected, or later found, to draw a large number of people, sponsored by an individual or entity other than the City of Oneida, proposed to be held on public property or on private property but affecting public property or requiring City of Oneida support services, for the purpose(s) of entertainment, celebration, amusement, cultural recognition, arts and crafts displays and/or sales, amateur sports demonstration or competition, or similar activities generically considered recreational in nature. Examples include, but are not limited to, festivals, street fairs, street art shows, public celebrations, outdoor concerts, parades, runs, marathons and walk-a-thons.

SPECIAL EVENT VENDOR - A peddler conducting business during a special event with the written permission of the event sponsor.

SPONSOR - The individual, group of individuals, corporation or other entity responsible for organizing the event.

SUPPORT SERVICES - Services which can or must be provided by the City of Oneida to ensure that a Special Event is conducted in such a manner to protect the safety, health, property or general welfare of its citizens. Examples include fire protection, crowd management and control, and traffic management and control.

§ 112-3 **PERMITS REQUIRED.** It shall be unlawful for any person, firm, corporation, association, group or organization within the corporate limits of the City of Oneida to conduct a special event or to act as a special event vendor, as herein defined, without first having obtained,

paid for and having in force and affect a valid, current permit or license therefore.

§ 112-4 **APPLICATION AND COST ESTIMATION.**

- A. Application for Special Event Permit. The sponsor of the special event must submit a completed application form to the City of Oneida Clerk. All applications are to be submitted on the forms provided by the City of Oneida Clerk. Any application submitted less than forty-five (45) days prior to the event, shall not be accepted.

- B. City of Oneida Costing Process. The completed form shall be distributed to the appropriate City of Oneida departments, which shall estimate the additional cost that would be incurred as a result of the event. This information may be used in establishing terms and conditions under which an event may be conducted when the use of police or other City of Oneida personnel is appropriate, possible and not in conflict with any other administrative policies and procedures and/or labor agreements.

- C. Application for Special Event Vendor License. The sponsor of a special event may authorize vendors to operate within the defined area of the special event. Local businesses located outside the designated confines of the special event will be required to obtain written authorization from the event sponsor to operate as a vendor. Businesses located within the designated confines of the special event area may operate as a vendor on the sidewalk which immediately abuts their business during the duration of the special event (and during any time during the year) by paying to the City of Oneida a fee, as set forth from time-to-time by resolution of the Common Council.

- D. The application for a Special Event Vendor License must be submitted on the forms provided by the City of Oneida Clerk. Said application, signed by the event sponsor, must be submitted by the vendor to the City of Oneida Clerk, along with the appropriate fees, no less than seven (7) days prior to the date of an approved event. Upon receipt of a properly completed application, the City of Oneida Clerk shall issue a Special Event Vendor License. Said license shall be prominently displayed or carried by the vendor at all times during participation in the special event.

§ 112-5 **FEES.** An application fee as prescribed by resolution of the City of Oneida Common Council will be charged. Other costs may be charged based upon estimated costs to the City of Oneida.

§ 112-6 **APPROVAL PROCESS.** The Common Council of the City of Oneida will review all special event applications and shall be authorized to either approve or deny said applications.

§ 112-7 **REQUIREMENTS.**

- A. **Permits and Licenses.** Approval to conduct a special event by this process does not relieve the sponsor or any participant, including but not limited to food stands, vendors, peddlers or exhibitors, from the responsibility of applying for any other permits or licenses or meeting any other requirements which may be applicable.

- B. **Insurance.** All events must obtain a liability insurance policy in the amount of \$1,000,0000 with the City of Oneida named as an additional insured, or a larger amount at the discretion of the City of Oneida. This insurance shall satisfy all insurance requirements for the City of Oneida for holding this special event. Additional insurance requirements of City of Oneida departments shall be considered by the Common Council in formulating the amount of coverage required. The insurance policy, which must be submitted to the City of Oneida Attorney no later than thirty (30) days prior to the event, shall be subject to review and approval of the City of Oneida Attorney.

- C. **Due Date.** All required permits, licenses, and security deposits must be obtained no later than seven (7) days prior to the date of event.

§ 112-8 **EVENT GUIDELINES.**

- A. **Daily Time Restriction.** The hours of operation for any special event taking place on the streets of the City of Oneida shall be between 7:00 a.m. and 10:00 p.m. Sunday through Friday; between 7:00 a.m. and 12:00 a.m. (midnight) on Saturday.

- B. **Safety Lane Restriction.** The placement of any vehicle, trailer or other installation associated with the special event shall be directed by the Fire Chief and the Chief of Police, Commissioner of Public Safety of the City of Oneida, or

their designated representative(s) to ensure that a safety lane remains open at all time.

- C. Site Maintenance. All areas used must be left in a clean condition. Clean-up must be completed by 12:00 p.m. (noon) on the day following the event. Events which use amusement rides are allowed until 4:00 p.m. on the day following the event.
- D. Temporary Parking Signs. All temporary signs for restricting parking must be posted twenty-four (24) hours in advance and maintained by the sponsor. Requests for the necessary materials should be directed to the City of Oneida Police Department, which shall have responsibility for the initial posting of the temporary signs, either through physical placement or directive as to locations. Any use of temporary signs without the authorization of the Police Department will be neither recognized nor enforced. Upon the event's completion, all signs must be taken down by the sponsor and returned to the Police Department.
- E. Barricades. Moveable barricades shall be delivered to the site where the sponsor or its designated representative shall sign for their receipt. The cost of replacing lost or damaged barricades lies with the sponsor.
- F. Public Safety Fee. A fee for providing Police Officers above the number normally scheduled may be charged. Said fee is to be determined by the Chief of Police and shall not be in excess of the actual cost.
- G. Restroom Facilities. The Madison County Department of Health will determine reasonable guidelines for portable bathrooms. Financial responsibility for obtaining the facilities rests with the sponsor.
- H. Banners and Signage. Any request to hang a banner over the streets of the City of Oneida in relation to a special event shall be processed by the City Clerk. All signage placed for the event should follow any and all requirements for signs allowable under applicable law.
- I. Tents and Temporary Structures. The City of Oneida Fire Department may set forth conditions for the erection, maintenance and dismantling of tents and temporary structures for the purpose of protecting the health, safety

and welfare of the public and property in the area of the event. If the sponsor is permitted to erect a tent or other temporary structure, the sponsor is responsible for erecting the tent or other temporary structure and maintaining that tent or other temporary structure. The sponsor is also responsible for dismantling the tent or other temporary structure upon conclusion of the event, when the necessity for the tent or other temporary structure ceases or upon order of the City of Oneida.

- J. Parades, Motorcades, Runs and Marathons. Sponsors requesting to conduct a parade, motorcade, run or marathon must specify the route to be used in the application for review by the Police Department. Escort services will be provided based upon the availability of Police Officers on that particular day the perceived needs of the parade, motorcade or road race. Such services may be charged.
- K. Other Restrictions. The following are prohibited within the confines of any special event:
 - 1. Overnight camping, except for security personnel.
 - 2. Unlicensed gambling or illegal games of chance.
 - 3. Littering and the use of glass containers.
 - 4. Open fires that are not under the guidelines established by the Fire Department.
 - 5. No grease or substance of any kind can be discharged upon the streets or sidewalks or into the storm drains and sewers.
 - 6. No penetration of any kind may be made in the asphalt surface of any City street or public highway.

§ 112-9 **PENALTIES FOR OFFENSES.**

- A. Fine. Special events shall not be held without the authorization of the Common Council, not held in contravention of the terms and conditions set forth by the Common Council. Violation of this Chapter may subject the sponsor to a fine of \$500 in addition to any other penalty provided in the Local Laws or in any other law on

account of commencement of said special event without required permits, licenses or authorization.

- B. Closing of Unauthorized Special Events. The City of Oneida Police Chief may close any special event conducted without authorization of the Common Council, and the sponsors and participants may be subject to arrest.
- C. Closing of Events Due to Public Safety Hazard. The City of Oneida Police Chief, Commissioner of Public Safety, the Fire Chief or their designated representatives may close any special event or any portion of a special event that is subsequently determined to be an eminent hazard to the public health, safety or welfare.

§ 112-10 **EXCLUSION FROM POLICY.**

- A. Block Parties. Block Parties as herein defined are excluded from the provisions of this policy. Request for block parties are to be submitted to the City of Oneida City Clerk.
- B. City Events. Events initiated by and/or sponsored by the City are excluded from the provisions of this policy.
- C. Events Solely Within Parks. Events that are held entirely within the jurisdiction of the City of Oneida Recreation and Youth Services Department that do not require the intervention of any other City of Oneida Department shall be deemed an event sponsored by the City of Oneida for the purposes of this Chapter.”

SECTION 2. EFFECTIVE DATE

This Local Law shall be effective upon filing with the office of the Secretary of State.

**(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. 1 of 2012 of the
(County)(City)(Town)(City) of Oneida was duly passed by the
Common Council on February 7, 2012, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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)(City) 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
(County)(City)(Town)(City) of _____ was duly passed by the
_____ on _____ 20____, and was (approved) (not approved
(Name of Legislative Body)
(repassed after disapproval) by the _____ on _____ 20____.
(Elective Chief Executive Officer*)

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 elector 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
(County)(City)(Town)(City) of _____ was duly passed by the
_____ on _____ 20____, and was (approved) (not approved
(Name of Legislative Body)
(repassed after disapproval) by the _____ on _____ 20____.
(Elective Chief Executive Officer*)

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.

- 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 City, 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 electors of 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 such 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~~ City Clerk or officer designated by local legislative body

(Seal)

Date: February , 2012

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, City Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF MADISON

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Signature

City Attorney
Title

~~County~~
~~Village~~ of Oneida
~~Town~~
City

Date: February , 2012