

**TOWN OF HYDE PARK**

**LOCAL LAW NO. H OF THE YEAR 2021**

**A LOCAL LAW AMENDING THE TOWN OF HYDE PARK CODE  
TO ADD CHAPTER 98, SPECIAL EVENT VENUES, TO THE  
CODE OF THE TOWN OF HYDE PARK**

**BE IT ENACTED** by the Town Board of the Town of Hyde Park as follows:

**SECTION 1. TITLE.**

This Local Law shall be entitled: "A Local Law Establishing Chapter 98, Special Event Venues, of the Town of Hyde Park Code to regulate events and performances conducted seasonally and on private or public property in the Town of Hyde Park".

**SECTION 2. PURPOSE.**

The Town Board has determined that it desires to encourage and regulate special events, festivals, and other amusement activities which draw tourists and activity into the Town, and which also benefit and support businesses and revitalization within Hyde Park.

**SECTION 3.**

A new Chapter 98, Special Event Venues, shall be added to the Code of the Town of Hyde Park as set forth below.

**§ 98-1 Title.**

This chapter shall be known and may be cited as the "Town of Hyde Park Special Event Venues Law."

**§ 98-2 Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

**SPECIAL EVENT VENUE**

Any location that offers a special event or a series of related events or performances conducted on Town property, sidewalks, streets, and other public rights-of-way, or on private property which event is open to the general public, including but not limited to parades, festive activities, cultural events, exhibitions, competitions, collections of shows, live entertainment and other amusement enterprises, vendors, operators, food

trucks, and/or the dispensation of food, which is open to the public at large. The use of the term "special event" in this chapter shall be deemed to include all special events as defined herein. Said term shall not be deemed to include birthday parties and other parties and private events conducted on private property and not made available to the general public, or any sidewalk sales conducted customary and accessory to retail uses. Notwithstanding, private events may be subject to regulation under other chapters of the Town of Hyde Park Code, e.g., rural event venues.

**LICENSE**

The permission, in writing, of the Clerk of the Town of Hyde Park, issued in accordance with the provisions of this chapter or other applicable local law, to carry on a special event.

**PERSON**

Every natural person, planning group, committee, partnership, association, limited-liability company, limited partnership, limited-liability partnership, corporation, or other legal entity, whether profit or nonprofit.

**SPONSOR**

The person or entity who executes the application for a license to conduct a special event and which shall include the property owner.

**VENDOR or OPERATOR**

A person who operates, during the life of the license, a booth or stand or otherwise occupies space in which he operates amusement rides or activities, conducts games of skill or chance, or dispenses food and beverage, merchandise, or the like.

**TOWN**

The Town of Hyde Park.

**TOWN BOARD**

The Town of Hyde Park Town Board responsible for approving a special event license.

**TOWN CLERK**

The individual that receives an application for, and issues a special event license, once approved by the Town Board.

**§ 98-3 Purpose.**

The purpose of this chapter is the regulation, through licensing and inspection, of special events to be conducted in the Town of Hyde Park on public streets, sidewalks, rights-of-way and/or other Town or private property for the protection of the health, welfare, and safety of the public in general.

§ 98-4 **License.**

- A. No license for a special event or activity of a similar nature shall be considered or issued unless and until the sponsor desiring to conduct the affair shall have made and signed a written application to the Town Clerk for a special event license, in a form provided by the Town, and paid the proper fee therefor when required, not less than 60 days prior to the first day of operation of the proposed special event. The application shall be forwarded to the Town Board which, in its discretion, may approve or deny such license. The Town Board, in its discretion, can refer the application to the Zoning Administrator who shall offer advisory comments on the proposed layout and set up of the special event. Such comments shall be provided to the Town Board within fourteen (14) calendar days of receiving the application for Town Board's consideration. The Town Board, in its discretion, can request additional information, and conduct a public hearing, if it deems appropriate.
- B. The issuance of the special event license shall be further conditioned upon the following:
- (1) Where applicable, the sponsor's requesting and obtaining approval from the Town Board for permission to close the street or streets necessary to conduct the special event.
  - (2) The sponsor's requesting and obtaining from the Town Board, permission to use property owned by the Town, as well as sidewalks and other rights-of-way.
  - (3) The sponsors and/or vendors executing an indemnification agreement on behalf of the Town, substantially as follows: "The sponsor and/or vendor hereby represent, stipulate, contract and agree that they do jointly and severally indemnify and hold harmless the Town of Hyde Park against liability for any and all claims for damages to property or injury to or death of persons arising out of or resulting from the issuance of the license or conduct of the public at and during the life of the special event."
  - (4) Referral to the applicable fire district or department, upon a satisfactory examination of the proposal, with respect to compliance with regulations as hereinafter set forth in the fire prevention section of this chapter.
  - (5) Referral to the Town of Hyde Park Police, of a crowd control plan upon the presentation of a written proposal.

- (6) Vendors intending to operate food and beverage stands shall be required to obtain a license, if required, from the Dutchess County Health Department, and pay any fee required by the health and sanitary laws of the State of New York and the County of Dutchess.
- (7) The sponsor depositing with the Town Clerk at the time of the filing of the application, in cash or by certified check made payable to the Town of Hyde Park, in accordance with the Town Fee Schedule to guarantee that upon the termination of the special event the general area where the affair has been conducted will be left in good condition, cleaned up and cleared of all paper, waste material and debris within two days from the termination of the special event. If the sponsor fails to meet this requirement, the Town, in its discretion, shall clean and restore the area to pre-event condition, deducting the monies spent thereon from the deposit aforementioned. This provision may be waived by the Town Board, in its discretion, and upon request by the sponsor.

**§ 98-5 Fees.**

- A. A licensing fee shall accompany the application in an amount as set forth in the Town of Hyde Park Fee Schedule.

**§ 98-6 Health and sanitary requirements.**

- A. All health and sanitary requirements, regulations and licensing shall be adhered to by all the sponsors and/or vendors of the special event, as provided for in the sanitary codes of the Town of Hyde Park, the County of Dutchess and the State of New York, which are incorporated by reference herein as if fully set forth.
- B. In addition, the sponsor of a special event shall provide a sufficient number of temporary or permanent toilet facilities for the use of vendors and the use of the public, such number to be determined in the discretion of the Town Board.

**§ 98-7 Fire prevention.**

- A. The sponsor and/or vendors, while operating a booth or stand in which there is heating or cooking apparatus for the preparation of food, shall keep, at all times, suitable fire extinguishing equipment, to be stored in such a manner that it is easily visible and accessible.
- B. Subject to the requirements of the Town of Hyde Park Police and applicable fire district or department, and the Superintendent of Highways, doors, or gates on entrances to and exits from the premises where the special event shall be conducted shall be kept open and unobstructed during the hours

of operation of the event in order to facilitate the rapid ingress or egress of all persons attending in the event of an emergency. Nothing contained herein shall be deemed to prevent Town of Hyde Park emergency service officials or agencies from closing access to areas in order to maintain proper crowd control and to enforce other laws in effect.

- C. It shall be the duty of the sponsor, before the special event license shall be issued, to provide, as part of the application, a sketch plan depicting the physical layout of booth, stands, amusement rides and the lanes of traffic that shall hereinafter be set forth, showing the dimensions of said booths and stands and the location and size of the area which the amusement rides will occupy.
- D. After the sponsor has assigned the individual booths and stands to the vendors and the areas used for amusement rides to the operators, it shall be the duty of said sponsor, by the end of the first day of the special event, to provide the Town Clerk with a list in which the names, addresses and locations of the vendors and operators of amusement rides shall be set forth.
- E. Subject to the requirements of the approved license, it shall be the obligation and duty of the sponsor during the duration of the special event to maintain an unimpeded and unobstructed land for emergency traffic, at least 15 feet in width, for the rapid ingress and egress of vehicles required for emergencies of other governmental purposes.

**§ 98-8 Alcoholic beverages; games of chance or skill.**

- A. No alcoholic beverages shall be sold, served, or consumed and no games of skill or chance shall be conducted during the operation of the special event unless and before the sponsor or the vendors obtain a proper and legal license to dispense alcoholic beverages and/or conduct games of skill or chance from the State of New York, the Town of Hyde Park, or any other regulatory agency.
- B. The sponsor and vendors receiving such licenses to dispense alcoholic beverages and/or conduct games of skill or chance shall be conclusively presumed to be cognizant of the provisions of the Alcoholic Beverage Law of New York, the state rules, and regulations in regard thereto and all applicable federal, state, and municipal laws, rules and regulations regarding the operation of games of skill and chance, all of which are incorporated herein by reference as if fully set forth.

**§ 98-9 Duration of license; hours of operation.**

- A. The duration of a special event license shall be for not more than four consecutive days, after which period it shall lapse. Said duration may be extended upon the discretion of the Town Board, for a duration to be established as part of the license.
- B. The earliest time at which it shall be lawful to begin operation of a special event in the Town shall be 8:00 AM, Monday to Sunday. Closing time shall not be later than the closing time permitted by the Alcoholic Beverage Laws, or 10 PM, whichever is more restrictive. The above hours of operation may be adjusted upon the discretion of the Town Board, for a time period to be established as part of the license.

**§ 98-10 License revocation.**

- A. In addition to the penalties set forth in the general penalties section of this chapter, the special event license or any vendor or operator license may be revoked at any time during the life of such license for any violation by the sponsor, operator or individual vendor or operator of any provision of this chapter or any violation of the Code of the Town of Hyde Park or any other applicable county, state, or federal law.
- B. Anything to the contrary in this section notwithstanding, a food and/or beverage vendor's license may be revoked for a violation of any provision of this chapter or any violation of the Code of the Town of Hyde Park or any other applicable county, state, or federal law in the discretion of the appropriate health or regulatory authority.

**§ 98-11 Insurance.**

- A. Subject to the further provisions of this section, before any special event license shall be granted, the sponsor shall provide and deposit with the Town Clerk a public liability insurance policy in the amount of \$1,000,000 single limit, naming the sponsor and the Town of Hyde Park as coinsured.
- B. Notwithstanding the foregoing, the insurance requirement under § 98-11A shall not apply in the following circumstances:
  - (1) If the event will not take place on Town property, other than for the parking of vehicles, and/or not require the closure of any Town street or sidewalk, in which case the sponsor shall provide proof of liability coverage by the property owner or owners on whose property the event is to take place; or
  - (2) If the event is not intended or expected to draw more than 250 attendees within a twenty-four-hour period.

C. In any event, and in addition to any required insurance under the provisions of this chapter, the sponsor shall indemnify, save and hold the Town harmless against loss, liability or expense resulting from any and all claims, actions, causes of action or judgments recovered against the sponsor or the Town in any court of competent jurisdiction in excess of the amount of insurance required by the Town or, if no insurance is required, for all claims not otherwise covered or in excess of the coverage provided to the Town under its own public liability insurance coverage.

**§ 98-12 Waiver of terms and conditions.**

Upon application by a sponsor to the Town Board, the Town Board may waive one or more of the requirements of this chapter, provided that a finding is made that the enforcement of such provision is not required to assure the safe and proper operation of the special event.

**§ 98-13 Penalties for offenses.**

A violation by the sponsor, operators or vendors of the provisions of this chapter, upon conviction thereof, in addition to the forfeiture of the license, shall be punishable by a fine not to exceed \$250 or by imprisonment not exceeding 15 days, or both, per violation, such fine and imprisonment to be in the discretion of the court.”

**SECTION 4. SEVERABILITY.**

In the event that any section, paragraph, sentence, clause, or phrase of this article is held invalid or unconstitutional by any court of competent jurisdiction, the invalid or unconstitutional portions of this article shall be deemed severed from the article and shall in no way affect the validity of the rest of this article.”

**SECTION 5. SUPERSESSION.**

This local law is hereby adopted pursuant to the provisions of the New York State Municipal Home Rule Law and §10 of the New York State Statute of Local Governments. It is the intent of the Town Board to supersede any provisions of the New York State Law to the extent that they may be inconsistent with the provisions of this Local Law.

**SECTION 6. EFFECTIVE DATE.**

This local law shall take effect immediately upon filing in the Office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.