

LOCAL LAW NO. OF THE YEAR 2022
A LOCAL LAW AMENDING 52-6 AND CREATING SECTION 52-11;
OF THE SALTAIRE VILLAGE CODE
TO REGULATE ASSEMBLIES IN PUBLIC PLACES

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE INCORPORATED
VILLAGE OF SALTAIRE AS FOLLOWS:

Section 1.0 Enactment, Effective Date,
Purpose and Definitions.

1.1 Title of Local Law

1.2 Enactment.

1.3 Effective Date.

1.4 Purpose and Intent of Local Law.

2.0 General Provisions

2.1 Creation of Section 52-11; Assemblies, Mass, Public.

3.0 Severability.

1.1 Title.

This Local Law shall be entitled “Local Law of 2022 Amending Section 55-6 and
Creating Section 52-11;

Mass Public Assemblies, of the Saltaire Village Code.

1.2. Enactment.

Pursuant to Section 10 of the Home Rule Law and the Village Law of the State
of New York, the Incorporated Village of Saltaire, County of Suffolk and State of
New York, hereby enacts by this Local Law of 2022, a Local Law of the Village of

Saltaire.

1.3. Effective Date.

This Local Law shall take effect on the filing of the approved Local Law with the Secretary of State of New York, which shall be within twenty (20) days after its approval by the Board of Trustees of the Incorporated Village of Saltaire.

1.4 Purpose and Intent of Local Law.

The purpose and intent of this Local Law is to create regulations of the Village of Saltaire regarding mass public assemblies and the use of public places for personal or private purposes.

2.0 General Provisions.

2.1 (A)

§ 52-6. Use of Village property.

A. No person shall use any public dock, beach, playground, building, athletic field, Village equipment or other Village property in violation of any regulation promulgated by the Board, or in violation of or failure to fulfill any of the provisions of this Section.

B. Application and conditions.

- (1) Any person wishing to use any Village property or equipment for a private function or purpose shall complete an application for same as provided by the Village, and submit it to the Village Administrator for consideration by the Board of Trustees. Said application must be received by the Administrator no fewer than thirty (30) days prior to the contemplated date of such use. The Board shall have sole responsibility to approve or not approve any such application, at its sole judgment and discretion.
- (2) Such application shall require the following information:
 - (i) name and contact information of the individual(s) requesting such use (the name and contact information of an intermediary acting on behalf of said individual(s) may also be required or provided but shall not be sufficient);
 - (ii) a full description of the planned use, including the use of music or other noise-producing activities or devices;
 - (iii) its intended date and time (including set-up and clean-up times);

- (iv) the location(s) and/or equipment being requested;
- (v) the number of participants expected;
- (vi) whether the individual(s) making such request are residents of the Village of Saltaire;
- (vii) the scope and anticipated time of any set-up and clean-up work;
- (viii) an alternate site or equipment should the requested property be unavailable;
- (ix) any other information such application, or the Board or Administrator, may additionally require.

(3) The Village shall, within five (5) days' receipt of such application, provide a detailed notice of any such request to all residents residing within two hundred (200) yards of the requested use, so that said residents may object to or otherwise comment upon such request.

C. The applicant shall obtain a public liability insurance policy, in such amount as the Board, at its sole determination, shall require on an individual basis for each requested use, covering the Village of Saltaire as an additional insured, and shall provide proof of same before the application is approved. The applicant shall also agree to assume all liability for, and to indemnify and hold the Village of Saltaire harmless of and free from, any and all damages that occur to persons or property by reason of said use. The Board may not waive the insurance requirements set forth in this subsection.

D. The Board of Trustees shall by resolution adopt a schedule of fees payable by an applicant for the use of public property, which fees may, at the Board's option, vary according to the location, type and duration of such use, and shall impose the appropriate fee in accordance with such schedule. Such fee shall be payable in full upon approval by the Board of the applicant's request. The Board may, at its sole discretion and option, waive such fee in whole or in part.

E. The following conditions shall apply to any permitted use of Village property:

(1) Any individual whose application for use of Village property is approved shall be responsible for all set-up and clean-up work, including any costs incurred therefor, so that the property is restored to its previous condition. The applicant shall consult with and follow the instructions of the Village Administrator in arranging such work, including as it pertains to the personnel used and the time allotted for it. If such work is not completed to the satisfaction of the Village Administrator, the Village shall restore the area to its previous condition and the cost of such work shall be payable by the applicant.

(2) The Board shall determine whether a requested use poses a hazard to the health and safety of the residents of the village, and if it decides that such hazard does exist, shall not approve said application.

(3) If the property requested (including a requested alternate) is for any reason not available, the Board may offer a reasonable accommodation by permitting the use of alternate property

designated by the Board.

(4) For reasons of health, safety or the protection of Village assets, the Board may by resolution permanently exclude any Village property or equipment from private use of any kind, including but not limited to the Maintenance Yard, docks, bulkheads, and protected swimming areas at the bay and ocean.

(5) The Board may revoke its approval of any such use if in its judgment the applicant has made false, misleading or incomplete statements on his application; if the use is in any way at variance with that stated on the application; if it poses an unanticipated health or safety hazard or disrupts the peaceful enjoyment and good order of the village; or for any other reason the Board shall determine. The Board may give notice of such revocation at any time, including during the use itself, and in the case of the latter, such use shall cease immediately. In the event of such revocation, the Board may withhold all or part of the fee paid by the applicant to cover any costs incurred by the Village, and the applicant shall be solely liable for any damages incurred.

F. The provisions of this Section shall not apply to requests for permission to hold a mass public assembly on public property, the regulation of which is governed by Section 52-11 of this Chapter.

G. Violation of any of the provisions of this Section, or of the terms and requirements set forth herein, shall be punishable by a fine in the amount of \$250 for a first violation within a calendar year, \$500 for a second violation within one (1) year of a conviction on a prior ticket, and \$1,000 for a third violation within one (1) year of a conviction on a prior violation. These remedies are not exclusive and the Village may seek injunctive or other civil relief at the same time as the village pursues the fines and penalties.

21 (B) : Section 52-11 of the Saltaire Village Code, is hereby created to read as

follows:

“Section 52-11; Mass Public Assemblies

§ 52-11(A) Intent.

§ 52-11(B) Definitions

§ 52-11(C) Special permit required.

§ 52-11(D) Application procedure; review; bond required.

§ 52-11(E) Concurrent remedies.

§ 52-11(F) Supplementary Provisions

§ 52-11(G) Penalties for offenses.

The Board of Trustees of the Village of Saltaire, being concerned for the health, safety and welfare of the residents of the Village of Saltaire and the public that otherwise are within the jurisdiction of the Village of Saltaire, and being cognizant of the difficulties in the concentration and gatherings of persons in public places and also in private and commercial places of public occupancy; has enacted this Section.

§ 52-11(B) Definitions

Mass Public Assembly: A gathering of people reasonably anticipated to number more than 25, assembled outdoors or in temporary structures, whether or not an admission fee is charged. This definition shall only apply to mass public assemblies organized for a specified purpose and not to large numbers of persons assembled in a public area for the ordinary and intended use of such area.

§52-11(C) Special permit required for mass public assembly.

1. Mass Assembly Permit (Board of Trustees)- No person, group of persons, partnership, association or corporation, or any combination thereof, shall maintain, conduct, promote or operate on any public lands or public property any use thereof for the purposes of mass public gatherings or assemblies, except pursuant to a special permit issued by the Board of Trustees of the Village of Saltaire as hereinafter provided.

2. No person shall authorize or engage in any parade or exhibition upon any street or public grounds in the Village without first having obtained a permit from the Village Board of Trustees of the Village of Saltaire and the approval of the Suffolk County Police or other agency with jurisdiction if such approval is required..

§ 52-11(D) Application procedure; review; bond required.

1. Application procedure.

(A) The applicant shall file a verified application with the Clerk of the Village of Saltaire at least sixty (60) days prior to the date or dates upon which such event is to take place.

(B) The application shall state:

(i) Description of the event and location or premises where event is requested to be located.

(ii) The number of persons expected to attend such event.

(iii) The date(s), time(s) and duration thereof.

(iv) The means of accommodating the said persons as to:

[a] Food, if food service is part of the event.

[b] Shelter (if overnight stay is requested).

[c] Facilities for toilet and other personal sanitary needs for men and women.

[d] Emergency first aid.

[e] Showing the means of ingress, egress and bicycle or vehicle parking areas for gatherings of 100 or more persons.

[f] Provision for public safety, guards or special police assisting in the control of traffic and the supervision of those persons attending the event.

2. The Board of Trustees, for a permit for a public assembly permit, after considering the application and after due investigation and inspection, and after considering the facts and circumstances in the premises, may issue a special permit upon such terms and conditions as the Board deems necessary and proper to ensure the public health, safety and welfare.

3. The Village shall make best efforts to notify all residents and property

owners within a five-hundred-foot (500') radius of the anticipated site and schedule of the assembly.

§ 52-11(E) Concurrent remedies.

Nothing contained herein shall be deemed or construed as to prevent the enforcement of any other remedy at law, concurrent or otherwise, available to the Board of Trustees or other law enforcement authority to avoid or prevent any violation or attempted violation of this Chapter, such as but not limited to an injunction or restraining order.

§ 52-11(F) Supplementary provisions.

This Chapter is in addition to any other law, ordinance or regulation affecting the subject matter herein and is not in limitation thereof.

§ 52-11(G) Penalties for offenses.

Any person, group of persons, partnership, association or corporation, individually or collectively, who shall violate or aid, take part in or assist in the violation of this Chapter shall be subject to a maximum fine of \$250 for a first offense, a maximum fine of \$1,000 for a second offense within one (1) year of the first offense, and a maximum fine of \$2,500 for a third or subsequent offense within one (1) year of the first offense.