



**East Hampton Town Board**

159 Pantigo Road  
East Hampton, NY 11937

**Carole Brennan**  
Town Clerk

[www.ehamptonny.gov](http://www.ehamptonny.gov)

Meeting: 04/07/22 02:00 PM  
DOC ID: 27609 A

ADOPTED

**RESOLUTION 2022-416**

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## **Amend Chapter 151-"Special Events Permits" of the East Hampton Town Code**

WHEREAS, the Town Board held a public hearing on March 3, 2022, to consider an amendment to Chapter 151 (Special Events Permits); and

WHEREAS, after considering the matter and the comments of the public at the time of hearing, the Town Board believes that the proposed amendments are in the best interests of the Town; and

WHEREAS, the proposed local law is a Type II action pursuant to the New York State Environmental Quality Review Act (SEQRA) 6 NYCRR Part 617.5(26) and Chapter 128 of the Town Code; now therefore, be it

RESOLVED, said Local Law is hereby adopted to read as follows:

LOCAL LAW NO. OF 2022

A LOCAL LAW amending Chapter 151 (Special Events Permits).

NOTE: underlined bold text indicates new text  
Crossed outs indicate eliminated text.

BE IT ENACTED by the Town Board of the Town of East Hampton as follows:

SECTION 1. Legislative Intent

§ 151-1 **Purpose. [No change]**

Assemblies or organized events which are anticipated to or are likely to attract a large number of people can adversely affect the well-being of Town residents. Large assemblies on public and private properties can disturb nearby residents in the peaceful enjoyment of their homes and property, interfere with the general public's normal use of highways and other municipal facilities, and be harmful to the public safety and welfare. Large assemblages of people result in the need for some control over traffic and parking and can cause a strain on police services, particularly during the summer season. In an effort to provide for the well-being of the community, the Town Board establishes herein a procedure whereby the Town can be informed in advance of assemblies and can assure that such assemblies, if appropriate under the Town Code and the Constitution of the State of New York, can be accommodated without unduly burdening the community or the resources of the Town of East Hampton or

unreasonably impacting upon or restricting the use of Town resources by other Town residents.

SECTION 2. Amendment. § 151-2 **Definitions. [Amendment to Special Event Permit]**

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

**ASSEMBLY**

A social occasion, an event, or an activity which involves the assembly of persons on public or private property in any zoning district, and which takes place in whole or in part outdoors, with or without an admission or invitation fee, a sponsorship, or a requested donation, and held on a one-time basis, including, but not limited to, weddings, family reunions, parties, fairs, bazaars, outdoor shows, horse shows or exhibitions, and concerts, and if held on a commercial property as the same is defined herein, is not included within the approved uses of the property upon which the assembly is to take place, as evidenced by the site plan approval issued by the Town Planning Board, the certificate of occupancy for the premises as issued by the Town Building Department, or as determined by the Town Building Inspector based upon the historic use of the subject premises as supported by credible evidence.

**CHARITABLE ORGANIZATION**

An organization as defined in New York State Executive Law § 171-a, including but not limited to not-for-profit entities. Such charitable organizations shall be recognized as exempt from federal taxation under Internal Revenue Code § 501(c)(3), shall be duly registered with the Charities Bureau of the Attorney General of the State of New York, and shall provide services or funds that benefit residents of the Town of East Hampton. For purposes of this chapter, this category shall also be deemed to include established civic organizations which are formed for and do provide a public benefit and are not formed for and do not have as a primary purpose the accumulation of profits for their owners or members. Organizations such as Chambers of Commerce, veterans' organizations, fraternal organizations, and similar organizations which are actually located within the Town of East Hampton and provide benefits to members of the community qualify for this classification.

**CIRCUS**

A public entertainment consisting typically of a variety of performances by acrobats, clowns, and trained animals.

**COMMERCIAL PREMISES**

Property containing a legally nonconforming business use and any vacant or improved parcel in a commercial use district other than one upon which the principal use is one or more single-family residences.

**DESIGNATED AGENT**

A person, residing within the County of Suffolk, who is designated by an applicant for an assembly to accept service of process from the Town of East Hampton for any violation of this chapter or any other chapter set forth in the East Hampton Town Code which relates to or arises out of the assembly.

**EXPRESSIVE ACTIVITY**

An assembly or similar gathering held for the sole purpose of exercising free speech activity protected by either the First Amendment to the United States Constitution or Article I, § 8, of the New York State Constitution and for which no fee or donation is charged or required as a condition of participation in or attendance at such assembly.

**FARMER'S MARKET**

The retail sale of agricultural products directly to the public by individual vendors.

**PARADE/WALK-RUN**

A type of assembly which involves a walk, run, march or similar assembly (including, but not limited to, a marathon or bicycle race) regardless of whether any fee or donation is charged or required as a condition of participation in or attendance at such assembly, where the activity occurs on any Town highway, public street, right-of-way, sidewalk or in any other public place rather than on a specific property, and which can or is likely to disrupt or interfere with normal traffic patterns, regulations or controls, as determined by Chief of Police.

**PUBLIC AMENITY**

The provision of an activity, entertainment, or similar pastime which is provided upon public property without cost or charge to the attendees and without the sale or solicitation of orders for the sale of goods or services, intended to enhance the attendees' experience upon the premises. Examples of a public amenity consist of, but are not limited to, musical performances, movies, and similar entertainment upon public property.

**PUBLIC PROPERTY**

Property of the Town, Town Trustees, or other governmental agency.

**SOCIAL EVENT**

An assembly for social, noncommercial purposes at which no goods, merchandise or services are offered or sold, or orders for the same solicited or taken.

**SPECIAL EVENT PERMIT**

A permit for a special event as defined in this chapter. Special event permits shall be of five categories:

RESIDENTIAL SPECIAL EVENT PERMIT - A permit for an assembly of 50 persons or more upon a property which is zoned for or actually used as a residence.

COMMERCIAL SPECIAL EVENT PERMIT - A permit for any assembly upon a property which is either zoned for commercial use, or is zoned residential, multifamily, resort or other noncommercial use but actually used for a commercial business as a legally preexisting, nonconforming business, or for an assembly upon property zoned for and

used for commercial purposes and which assembly is not consistent with the approved use(s) for the commercial property, in that it includes one or more of the following:

- A. The sale of goods or merchandise, by fixed price or auction, upon a property not approved for retail sales or, if approved for the same, from a location on the property not approved for such use;
- B. The sale of food or beverages upon a property not approved for the sale of food or beverages or, if approved for the same, from a location on the property not approved for such use;
- C. The use of outdoor areas of the premises for business purposes, and such use is not included in the customary and/or approved use for the premises;
- D. A performance, speech, recital or other presentation by an entertainer or other artist, with or without the use of musical instruments or recorded music, for which a fee is charged, if such property is not approved for such use;
- E. The erection of a tent upon the premises;
- F. The parking of attendees' vehicles upon any public street, highway, right-of-way or other off-site location due to lack of availability of parking upon the premises hosting the assembly;
- G. A farmer's market, provided that the commercial premises are not otherwise utilized by the businesses legally occupying the site at the time the market is operational.

**PUBLIC PROPERTY SPECIAL EVENT PERMIT** - A permit for an organized assembly of persons upon a property which is a public park, beach, or other property which is open to the public.

**PARADE/WALK-RUN SPECIAL EVENT PERMIT** - An assembly permit for a parade/walk-run as defined herein.

**ART SALE SPECIAL EVENT PERMIT** - A permit for the commercial sale of artwork by the artist, upon the residential property of the artist. The holding of art sales on more than three occasions in a calendar year or for more than three successive days shall be deemed a business use subject to the provisions of Chapter 255, Zoning, of the Town Code of the Town of East Hampton.

**SPECIAL EVENTS COMMITTEE- A committee designated by the Town Board to decide applications submitted under this chapter, the membership of which shall consist of: two (2) Town Board Members; one (1) Town Trustee; the Town Clerk; the Chief of the Town Police Department; the Chief Fire Marshal; and the Superintendent of Recreation**

§ 151-3 **Permit required.**  
**[Amended 3-1-2018 by L.L. No. 2-2018]**

- A. No owner, lessee or any other person claiming a right or interest in residential property

located within the Town of East Hampton and outside of the boundaries of any incorporated village shall cause, permit or allow such property to be used for an assembly as defined herein unless a written special event permit for the assembly has been issued by the appropriate Town official(s). Residential assemblies are subject to the provisions of § 255-11-64I which deems hosting or granting of permission to host for a fee (whether termed rental or otherwise) of more than one social event or reception per calendar year at any single-family residence located within the boundaries of the Town of East Hampton a nonresidential activity or use.

B. No owner, lessee or any other person claiming a right or interest in commercial property located within the Town of East Hampton and outside of the boundaries of any incorporated village shall cause, permit or allow such property to be used for an assembly as defined herein unless a written special event permit for the assembly has been issued by the appropriate Town official(s). Commercial assemblies upon portions of commercial properties which have been maintained as spaces open and available to the public as areas for casual gathering, walking and/or relaxation, such as green spaces in retail areas, may apply to utilize such areas, subject to the following limitations:

(1) No assemblies shall include the sale of goods or sale of food on site unless the same are sold by a valid charitable organization.

(2) A special event permit for a public amenity shall exclude areas upon such properties which have been identified in any approval issued by the Town, or other agency, or deemed by the Building Inspector to be utilized in the ordinary course of the business(es) on the site for some use related to the approved business(es), including, but not limited to, areas used for parking or for fire access.

C. No person, group, entity or organization shall organize or conduct a public property special event, as defined herein, upon any public property within the Town of East Hampton, outside of the boundaries of any incorporated village, unless a written special event permit for the assembly has been issued by the appropriate Town official(s). Public property assemblies, in addition to the limitations enumerated below, are subject to the Town's right to limit the number of public property special event permits issued per applicant and per location in a calendar year, as well as limit the hours and days of the week for which activities will be approved.

(1) Beaches:

(a) Unless utilized as part of an event held by valid charitable organizations as defined herein, the installation of tents, other than those necessary for food service under Suffolk County Department of Health Services regulations, shall not be permitted. In addition, the installation of any other structures (i.e., tents, dance floors, platforms,

fences, etc.) shall not be permitted on any beach, unless the same is approved by either the Town Board or the Town Trustees, depending upon the proposed location. In general, the Town does not approve the installation of structures upon any beach, except for required covering over food service equipment.

- (b) Assemblies that include amplified music shall not be permitted on any beach. This shall not prohibit individual radios or similar devices, but the use of such devices shall be subject to the directions of any enforcement officer, lifesaving personnel, marine patrol officer, or other designated agent of the Town and/or Trustees.
- (c) Assemblies that include the sale of goods or sale of food on site on the beach shall not be permitted unless the same are sold by valid charitable organizations. This prohibition shall not be deemed to prohibit attendees at any otherwise permitted assembly from being supplied with food and beverages by a paid caterer.
- (d) Assemblies that the Town Board or its designee deems to unreasonably impede the use of the premises by the general public shall not be permitted.

**(e) Beach "property" includes all public parking lots and comfort stations.**

**(f) In no event shall any person or entity solicit or advertise any product, service, lesson, program, or any other item or offering upon any Town Beach. Any assembly upon Town Beaches in which participants have paid a fee shall originate off-site.**

- (2) Parks and other municipal properties.
  - (a) Assemblies that include the sale of goods or sale of food on site shall not be permitted unless the same are sold by valid charitable organizations. This prohibition shall not be deemed to prohibit attendees at any otherwise permitted assembly from being supplied with food and beverages by a paid caterer.
  - (b) No structures shall be permitted unless expressly approved by the Town Board or **the Special Events Committee.**
  - (c) No assemblies that the Town Board or the **Special Events Committee** deems to unreasonably impede the use of the premises by the general public shall be permitted.
  - (d) In no event shall any person or entity solicit or advertise any product, service, lesson, program or any other item or offering upon any public property. Any assembly upon public property in which participants have paid a fee must originate from a sale or enrollment off of public property.

- D. No person, group, entity or organization shall organize or conduct a parade/walk-run, as defined herein, upon any public street, sidewalk, walkway, right-of-way or public property within the Town of East Hampton, outside of the boundaries of any incorporated village, unless a written special event permit for the assembly has been issued by the appropriate Town official(s).
- E. No person, group, entity or organization shall organize or conduct an art sale, as defined herein, upon any property within the Town of East Hampton, outside of the boundaries of any incorporated village, unless a written special event permit for the assembly has been issued by the appropriate Town official(s). Art sale special event permits are limited to not more than three occasions in a calendar year or not more than three successive days.

**§ 151-4 Exemptions.**

The following shall be exempt from the requirements of a special event permit:

- A. Events sponsored by the Town.
- B. Regular sporting events held at facilities which are approved for such purposes.
- C. A student assemblage at any school chartered by New York State.
- D. An assemblage for purposes of expressive activity, provided that the organizers provide the Town Clerk with written notice at least 48 hours in advance if more than 25 persons are expected to attend. The name, address and contact information of the organizer, the proposed location or route, and the date and time of the event shall be provided.
- E. A yard sale, as defined in Chapter **198** - the sale of one's used household goods or other used private personal property commonly found in a residence from one's own personal residence - and held upon the property of the person conducting the sale. The holding of yard sales on more than three occasions in a calendar year or for more than three successive days shall be deemed a business use subject to the provisions of Chapter **255**, Zoning, of the Town Code of the Town of East Hampton.
- F. Events held wholly within the building located at Fort Pond House, provided that the participants have a facility use permit issued by the East Hampton Town Parks Department.
- G. Events held upon Town property other than Town beaches, involving up to 50 people, provided that the participants have a field use or facility use permit issued by the East Hampton Town Parks and Recreation Department.
- H. Noncommercial social events as defined above, on public property involving up to 20

people over the age of 18 years, provided that there is no tent and the event is neither catered nor for which other services have been contracted.

§ 151-5 **Application for permit.**

- A. Application form. An applicant may obtain an application form from the Town Clerk **or the East Hampton Town Website.** The information requested on the application form shall include, without limitation, the following:
- (1) The applicant's name, mailing address and telephone number, with a statement of the applicant's relationship to any sponsoring organization. If the applicant is a "professional fund-raiser" as defined in § 171-a of the New York Executive Law, that fact shall be disclosed.
  - (2) The proposed date, time and duration of the event.
  - (3) **A detailed narrative of the event.**
  - (4) A survey or sketch map **with a detailed sketch** of the assembly location together with the Tax Map number of the property.
  - (5) **Commercial property applicants must submit a copy of the Site Plan Approval for the location where the event is to be held.**
  - (6) A **detailed** sketch plan depicting the proposed location(s) for parking, outdoor areas proposed to be used, and the location of any tent(s) and additional sanitary facilities.
  - (7) On-site sanitary facilities available to attendees.
  - (8) The number of anticipated attendees.
  - (9) If food is to be served and the applicant or property owner or operator is not the supplier, the name and address of the proposed food vendor. Suffolk County Department of Health Services permits may be required.
  - (10) If security is to be provided, the name of the security company and a contact person and number for the same.
  - (11) Proposed traffic control and security plan for the event. (Security plans shall not be made publicly available.)
  - (12) Proposed medical and emergency plans and personnel.
  - (13) Proposed outdoor loudspeakers, music, live or recorded, and a description of the



proposed use of loudspeakers and/or music, including the starting time and duration.

- (14) Whether any alcohol will be served at the premises. A special event license from the State Liquor Authority may be required.
  - (15) The number of anticipated vehicles for attendees; the location of any off-site parking areas and the size and location of such off-site parking areas; any restrictions or limitations upon such off-site parking location(s), including restrictions and limitations contained in any deed or covenant or any natural feature such as protected vegetation or wetlands. The Town shall have the right to require such additional information, such as a survey or inspection of off-site parking area(s), as Town officials deem appropriate to facilitate review of the application.
  - (16) If off-site parking is proposed, the traffic management plan for the parking of vehicles and transportation of cars or guests to and from the assembly site.
  - (17) Whether any additional outdoor lighting is proposed, and a description of the proposed lighting together with the location of the same.
  - (18) The zoning of surrounding properties.
  - (19) The proximity of the nearest residential structures.
  - (20) If a tent is proposed, the size and placement of the tent on the premises. A separate tent application will be required to be submitted to the Town Fire Marshal. Tents shall meet all necessary Fire Code requirements and shall be reviewed for placement and proper ingress and egress.
  - (21) A name and contact number of a responsible party who will be available to Town officials at the time of the event.
  - (22) Consent to inspection: a statement that the applicant (and, where applicable, the owner of the property) consents to inspection of the premises by a police officer or other enforcement officer, upon request, for the purpose of ensuring that the terms and conditions of the permit are met.
  - (23) The name of the designated agent.
- B. ~~Submission to Town Clerk. Applications for events involving one to 100 participants, the application must be submitted at least 14 days before the event; for events involving 101 to 249 participants, the application must be submitted at least 30 days before the event; and for events involving 250 or more participants, the applications must be submitted at least 60 days prior to~~

~~the event. For each application, the Town Clerk has the discretion to waive the submission deadline. The following materials shall be submitted by the applicant to the Town Clerk before the proposed date of the special event:~~

**Submission to Town Clerk. Applications for events involving one to 75 participants, the application must be submitted at least 21 days before the event; for events involving 76 to 150 participants, the application must be submitted at least 30 days before the event; for events involving 151-250 participants the application must be submitted at least 48 days before the event; and for events involving more than 251 participants, the applications must be submitted at least 60 days prior to the event. For each application, the Town Clerk and/or the Special Events Committee have the discretion to waive the submission deadline. The following materials shall be submitted by the applicant to the Town Clerk or the Special Events Committee before the proposed date of the special event:**

- (1) A completed application form.
  - (2) For commercial, public property, and parade/walk-run special event permits, a nonrefundable application fee. The Town Board, by resolution duly adopted, from time to time shall establish or amend such fee amount. The Town Board or its designee has the discretion to waive such fee.
  - (3) A certificate of insurance and indemnification agreement pursuant to § **151-16**.
- C. Review by the Town Board. The Town Board shall designate a Special Events Committee to review the applications. The Town Clerk shall forward the application to its designee **the Special Events Committee** for approval or disapproval. The review will consider whether the proposed assembly would unduly burden the community or the resources of the Town of East Hampton, or unreasonably impact upon or restrict the use of Town resources by other Town residents, or constitute a threat to public safety, health or welfare by reason of time, location or duration of the activity, or will unduly interfere with vehicular and/or pedestrian traffic. The Town Board or **its designee the Special Events Committee** may deny an application for a permit under this chapter after a review of the application, whenever a determination is made that the proposed special event would violate any law or ordinance or would unreasonably interfere with the public's use of public lands; unreasonably interfere with the use and enjoyment of adjoining properties; unreasonably impede the flow of vehicular or pedestrian traffic; be detrimental to the community because of anticipated excessive noise, illumination or other effect caused by the proposed assembly, including, but not limited to, a potentially dangerous activity or creation of a dangerous condition, such as the use of explosives, the use of stunts, helicopters, firearms or simulated firearms; or otherwise endanger the public's health, safety or welfare. In addition, the Town Board

or ~~its designee~~ the **Special Events Committee** may consider the number of applications submitted for a particular property and may deny an application if determined that the history of permit applications indicates an attempt by the applicant and/or property owner to circumvent East Hampton Town Codes. Any denial shall be in writing and shall specify the reasons for the denial. The Board, or ~~its designee~~, **the Special Events Committee** must refer all permits for comment to the Chief of Police, Fire Marshal, Trustees, Highway Department and/or any other Town department or agency should the application indicate that such entity may be affected by the approval of such application. The Board **or the Special Events Committee** shall send the approved or disapproved application back to the Town Clerk.

- D. Review by Town Attorney. The Town Clerk **or the Special Events Committee** shall forward the certificate of insurance and the indemnification agreement to the Town Attorney for approval. The Town Attorney shall return such approved or disapproved documents to the Town Clerk **or the Special Events Committee**.
- E. Fees. The Town Clerk shall calculate the fees required to be paid by an approved applicant as follows:
- (1) Permit fee. All special event permits, except art sales, may be subject to a permit fee, and the Town Board, by resolution duly adopted, from time to time shall establish or amend such fee amount.
  - (2) **Cleanup deposit. A fee for each day covered by the permit shall be paid pursuant to § 151-7 The Town Board, by resolution duly adopted, from time to time, shall establish or amend such fee amount. The Town Board, by resolution duly adopted, may also waive or suspend this requirement in whole or in part.**
  - (3) Traffic control fee. A fee for each day covered by the permit shall be paid if the Chief of Police, or his designee, requires payment of the traffic control fee pursuant to § **151-6**.
  - (4) **Rush Application Fee. The Town Board, by resolution duly adopted from time to time, shall establish or amend a fee for late applications and/or applicants who otherwise fail to comply with the submission requirements set forth in § 151-5.**
- F. Issuance of permit. The Town Clerk shall countersign an approved application. The Town Clerk shall collect the fees calculated pursuant to Subsection **E** from the applicant. Payment of the permit fee shall be in the form specified in § **151-8**. Upon payment of the permit fee, the Town Clerk shall issue the permit to the applicant. The permit shall set forth the name of the applicant, the location(s), date(s) and time(s) of the special event and any special conditions.

- G. The Town may deny an application for a permit under this chapter after a review of the application, whenever a determination is made that the proposed special event would violate any law or ordinance or would unreasonably interfere with the public's use of public lands; unreasonably interfere with the use and enjoyment of adjoining properties; unreasonably impede the flow of vehicular or pedestrian traffic; be detrimental to the community because of anticipated excessive noise, illumination or other effect caused by the proposed assembly, including, but not limited to, a potentially dangerous activity or creation of a dangerous condition, such as the use of explosives, the use of stunts, helicopters, firearms or simulated firearms, or otherwise endanger the public's health, safety or welfare. Such denial shall be in writing and shall specify the reasons for the denial.
- H. The Town reserves the right to impose additional and further requirements up to and through the date or dates of the special event, as deemed by the Town to be necessary to assure compliance with the requirements and purposes of this chapter.
- I. The Town reserves the right to immediately revoke any permit issued due to noncompliance with the requirements of the permit.

**§ 151-6 Traffic control fee. [No change]**

- A. In the event that the Chief of Police determines that police officers or traffic control officers will be necessary for the protection of the citizens or for the control of traffic during the special event, the applicant shall submit to the Town Clerk a fee for each day covered by the permit pursuant to Subsection **F** of § **151-5**, and the Town Board, by resolution duly adopted, from time to time shall establish or amend such fee amount.
- B. If the Chief of Police determines that a traffic control fee will be fully expended prior to the termination of the permit period, the Chief of Police shall notify the Town Clerk. The Town Clerk shall contact the applicant in writing and require payment of an additional sum of money, said specific amount to be determined by the Chief of Police based on the salaries and the number of hours to be worked by the Town police and traffic control personnel. Said additional traffic control fee shall be paid within seven days of said notice. The applicant's failure to pay such additional fee within said seven-day period shall result in the Town Clerk's providing the applicant with written notice that the permit has been suspended and the date of such suspension. The applicant's receipt of the Town Clerk's suspension notice shall not be construed as altering the date of suspension set forth in said written notice, the effective date of the suspension being the day immediately following the completion of the seven-day notice period.
- C. The procedure set forth in Subsection **B** may be repeated as necessary to ensure that the applicant pays for all costs incurred by the Town in providing traffic control services.

- D. After termination of the special event, the Chief of Police shall provide the Town Clerk with a statement regarding the actual cost to the Town of providing said police officers or traffic control officers. If the actual cost is less than the moneys that the Town has collected pursuant to Subsection **A, B** or **C**, the Town shall remit the balance to the applicant. If the actual cost is more than the moneys that the Town has collected pursuant to Subsections **A, B** or **C**, the applicant shall be responsible for providing the balance to the Town within 30 days of the permit period.
- E. The Chief of Police shall forward a copy of the statement of actual cost to the Town Clerk, who will file said statement with the original application form.

**§ 151-7 Cleanup deposit.**

- A. Each applicant whose application has been approved shall give the Town Clerk a check for a cleanup fee deposit for each location covered by the permit, which check shall be held and not deposited by the Town during the duration of the permit period. **The Town Board, by resolution duly adopted, from time to time shall establish or amend such deposit fee amount.**
- B. At the termination of the permit period, the Town Superintendent of Parks and Recreation or the Town Superintendent of Highways, as appropriate, shall inspect the locations listed on the permit and determine if the locations require cleanup efforts by Town personnel.
- C. If cleanup is required, the Town Superintendent of Parks and Recreation or the Town Superintendent of Highways, as appropriate, will coordinate that effort. Said Superintendent will provide the Town Clerk with a statement setting forth the actual cost to the Town of providing said cleanup services. If the actual cost is less than the fee deposit collected pursuant to Subsection **A**, the Town shall remit the balance to the applicant. If the actual cost is more than the fee deposit collected pursuant to Subsection **A**, the applicant shall be responsible for providing the balance to the Town within 30 days of the termination of the permit period.
- D. If no cleanup is required, the Town Superintendent shall notify the Town Clerk of that fact, and the Town Clerk shall promptly remit the check to the applicant.
- E. **A cleanup deposit shall be required for Public Property events and Parade Walk Run events. The Town Board by resolution duly adopted, from time to time shall establish or amend the deposit amount.**

**§ 151-8 Payment of fees.**

Any fee collected under this chapter shall be paid either in cash or by check made payable to the Town of East Hampton and shall be delivered to the Town Clerk. **Each fee or deposit shall be paid by separate check.**

**§ 151-9 No donations accepted. [No change]**

Other than the required fees, the Town shall not accept any donations from the applicant in connection with the granting of the permit. In addition, no Town official or employee shall make a recommendation to the applicant regarding a donation to a third party.

**§ 151-10 Waiver. [No change]**

The Town Board, upon consent of a majority of its members, after due consultation, may authorize a waiver of the requirements and/or limitations of this chapter whenever it determines that strict compliance with such limitations or requirements will pose an unreasonable burden upon the applicant and that such permit may be issued without endangering the public's health, safety or welfare. In such instances, the Town Board may attach additional conditions and safeguards to ensure the orderly conduct of the activity and to minimize the impact of such use.

**§ 151-11 Amendment, modification or rescission of permit. [No change]**

- A. Once an assembly permit has been issued, any proposed amendment or modification to the application by the applicant shall be filed with the Town Clerk if any of the conditions have changed. Notice shall be given to the Town Clerk not less than 15 days prior to the assembly. Such changes may include, but are not limited to, the date of the event, the location of the event, the location or route of the parade, the number of attendees, or the addition of tents, alcohol, or fireworks.
- (1) All changes in conditions necessitating the amendment will be accompanied by the appropriate certificates or permits.
  - (2) The appropriate Town officials shall review the proposed amendment and shall have the discretion to rescind or modify the permit due to changed conditions.
- B. The Town may rescind an assembly permit issued pursuant to this chapter at any time for the following reasons:
- (1) False information. The application is found to contain materially false information.
  - (2) Violation of existing law. The assembly is found to violate any law of the Town of East Hampton, the County of Suffolk, the State of New York or the United States of America.
  - (3) Violation of recorded conditions or limitations. The permit is found to be in violation of a restriction or limitation contained in a recorded covenant, deed or other document.
  - (4) Noncompliance with permit. The assembly is being advertised to be held in violation of the permit issued therefore or is actually being held in violation of the permit.
  - (5) Substantive change in circumstances since the permit was issued:

- (a) The number of persons expected to attend the gathering is too great in relation to the size of the premises;
- (b) Arrangements made to control traffic, parking, noise, lighting, sanitary disposal and refuse disposal are insufficient;
- (c) The gathering will conflict with other events which might overtax police and emergency services;
- (d) Because of conflicts with other events, the gathering will cause vehicular or pedestrian congestion in a particular area of the Town on the date in question;
- (e) The frequency of gatherings proposed or approved for the premises is so great that the gatherings constitute a persistent usage of the property incompatible with its character or with that of the surrounding area;
- (f) The gathering will conflict with ordinary public use of the land or facilities involved.

**§ 151-12 Permit suspension in emergency circumstances. [No change]**

During the course of the special event, any authorized Town Code enforcement official, peace officer or a police officer may suspend any permit where public health or safety risks are found or where exigent circumstances warrant such action.

**§ 151-13 Notice. [No change]**

The Town Clerk shall give notice to the Chief of Police, the Chief Building Inspector, the head of the Ordinance Enforcement Department and the Chief Fire Marshal, the Superintendent of Highways and the Superintendent of Parks and Recreation of each permit issued pursuant to this chapter.

**§ 151-14 Responsibility of applicant and landowner.**

- A. A permit holder shall be responsible for any damage to Town property or facilities that may result from the permit holder's activities. No alterations are to be made at special event sites, including, without limitation, cutting trees, digging holes and trimming bushes, without the express authorization of the Town Board.
- B. **All litter shall be carried from said place by the applicant and shall be properly disposed of offsite, elsewhere. Litter shall not be placed in any public receptacle.**
- C. The applicant shall ensure that the assembly is held in conformance with the permit and shall be responsible for the conduct of the assembly. The applicant and the landowner shall prevent patrons, licensees and/or invitees of the assembly, or those engaged in conducting the same, from trespassing upon any adjoining property or premises.

**§ 151-15 Compliance with other laws. [No change]**

Issuance of a permit pursuant to this chapter does not relieve the permit holder of its duty to comply with all other Town local laws, ordinances and regulations during the duration of the special event. In addition to the permit required under this chapter, the applicant shall obtain all other governmental permits or approvals which are required for the assembly. Unless specific exemption is obtained from the appropriate governmental authority, the assembly shall be held in conformance with all Town, county, state and federal laws. In the event any food service is provided, the applicant shall be responsible to assure that the vendor is properly licensed by the Suffolk County Department of Health Services and that any and all approvals, if required, are obtained by the vendor for the assembly. By way of example and not by way of limitation, the following Town or Town Trustee permits shall be obtained where required:

- A. Permit from Fire Marshal. A permit shall be obtained from the Town Fire Marshal for the erection of a tent, display of fireworks or the setting of an outdoor fire pursuant to Chapter **141** of this Code.
- B. Building permit. A building permit shall be obtained from the Building Inspector for the erection of any building or other structure if such permit is required by Chapter **102** or Chapter **255** of this Code.
- C. Trustee permit. A permit shall be obtained from the Trustees of the Freeholders and Commonalty of the Town of East Hampton for any assembly upon Trustee property which will include a structure (i.e., tent, dance floor, platform, etc.). Applicants for assemblies upon Trustee property which do not propose the installation of a structure shall obtain a letter from the Trustees acknowledging the event is taking place on lands within their jurisdiction and that no Trustee permit is required for the gathering, or otherwise confirming that the assembly is not proposed on Trustee property and no approval is needed. Issuance of a Trustee permit where required is in addition to any and all other permits referenced in this section.

**§ 151-16 Insurance requirements.**

**Every application for a commercial, public property, and parade/walk-run special event permit pursuant to this chapter shall include a certificate of insurance that evidences a public liability insurance policy covering the Town as an additional insured in the minimum amount of the ~~\$1,000,000~~ \$2,000,000 per occurrence for the duration of the special event. The Town Board, by resolution duly adopted from time to time, shall establish or amend the amount of insurance required.**

The applicant shall also submit an indemnification agreement that states that the applicant agrees to assume all liability for and will indemnify and hold the Town harmless of and free from any and all damages that occur to persons or property by reason of said special event.



**§ 151-17 Permit available at assembly site. [No change]**

The permit holder shall be required to have the permit available for inspection by the Town Police Department, or its designees, at the site of the special event for the duration of the permit period.

**§ 151-18 Prohibited assemblies. [No change]**

The following assemblies are prohibited in the Town of East Hampton, and no permit shall be issued which would authorize these assemblies:

- A. Circuses which include the use of any animals or animal acts.
- B. Carnivals, festivals or similar events which include mechanical rides, unless the event is sponsored by a local charitable organization, as the same is defined herein, based within the boundaries of the Town, in which case one merry-go-round or carousel ride will be permitted, and such assembly shall be deemed a gathering subject to all the provisions of this chapter.

**§ 151-19 Signs. [No change]**

- A. For the purposes of this section, the term "sign" shall have the meaning ascribed to it in Chapter **255**, Zoning, of this Code.
- B. Non illuminated signs advertising the gathering may be placed on or off the premises no more than seven days prior to the event, provided that:
  - (1) Application for such signs was included in the permit application and approved by the Town Board or its designee, and such signs are placed in accordance with the approved application.
  - (2) The signs are removed within three days after the event. If not removed, the applicant shall be responsible to reimburse the Town for the costs of removing the sign. Such costs shall be deducted from any security deposit held by the Town, if any, and any deficiency, if any, shall be paid by the applicant within 30 days of the mailing of a notice to the applicant at the address provided in the application.

**§ 151-20 Penalties for violation. [No change]**

Any person who violates any provision of this chapter shall be guilty of a violation and shall, upon conviction, be subject to the imposition of a fine in accordance with the following schedule for each violation. Each day that a violation continues shall be deemed a separate offense.

- A. For the first offense, a fine of not less than \$500 nor more than \$2,000 for each offense, plus any costs incurred by the Town as a result of the violation(s).

- B. For a second offense within a three-year period, a fine of not less than \$1,000 nor more than \$5,000 for each offense, plus any costs incurred by the Town as a result of the violation(s).
- C. For a third and subsequent offense within a three-year period, a fine of not less than \$2,500 nor more than \$15,000 for each offense, plus any costs incurred by the Town as a result of the violation(s).

SECTION 3. Authority.

The proposed local law is enacted pursuant to Municipal Home Rule Law §10(1)(ii)(d)(3) and Town Law §261.

SECTION 4. Severability.

If any section of subsection, paragraph, clause, phrase or provision of this law shall be adjudged invalid or held unconstitutional by any court of competent jurisdiction, any judgment made thereby shall not affect the validity of this law as a whole or any part thereof other than the part or provisions so adjudged to be invalid or unconstitutional.

SECTION 5. - Effective Date.

This local law shall take effect immediately upon filing with the Secretary of State pursuant to Municipal Home Rule Law.

BY ORDER OF THE TOWN BOARD  
TOWN OF EAST HAMPTON, NEW YORK  
CAROLE A. BRENNAN, TOWN CLERK

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	David Lys, Councilman
<b>SECONDER:</b>	Sylvia Overby, Councilwoman
<b>AYES:</b>	David Lys, Sylvia Overby, Cate Rogers, Peter Van Scoyoc
<b>ABSENT:</b>	Kathee Burke-Gonzalez