

## Chapter 138, FESTIVALS AND PARADES

[HISTORY: Adopted by the Board of Trustees of the Village of Horseheads 5-27-2004 by L.L. No. 6-2004. Amendments noted where applicable.]

### GENERAL REFERENCES

**Alcoholic beverages -- See Ch. 76.**

**Games of chance -- See Ch. 152.**

**Outdoor sales -- See Ch. 192.**

**Signs -- See Ch. 204.**

**Vehicles and traffic -- See Ch. 235.**

### § 138-1. Definitions.

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

**BOARD** -- The Village of Horseheads Board of Trustees.

**EVENT** -- A parade, festival, motorcade or public assembly, as defined below.

**FESTIVAL** -- A series of related events or performances conducted on Village property, sidewalks, streets and other public rights-of-way, including but not limited to parades, festive activities, cultural events, exhibitions, competitions, collections of shows, live entertainment and other amusement enterprises and/or the dispensation of food which is open to the public at large, but excluding sidewalk sales conducted by the Village merchants.

**MOTORCADE** -- An organized procession, except funeral processions, upon any public street, sidewalk or alley.

**PARADE** -- Any march or procession consisting of people, animals or vehicles, or combinations thereof, excepting funeral processions, upon any public street, sidewalk or alley, which does not comply with normal and usual traffic regulations or controls.

**PERMIT** -- The permission, in writing, of the Village Manager issued in accordance with the provisions of this chapter, or other applicable local law, to carry on an event.

**PERSON** -- Every natural person, copartnership, association or corporation, whether profit or nonprofit.

**PUBLIC ASSEMBLIES** -- An assembly of persons upon any public street, sidewalk or alley which impedes or tends to impede pedestrian or vehicular traffic, including but not limited to carnivals, concerts, rallies, demonstrations, fireworks displays and dramatic presentations.

**SPONSOR** -- The person or entity who executes the application to conduct a festival, or for use of Village facilities or property.

**VENDOR** -- A person who operates, during the life of the permit, a booth or stand or otherwise occupies space in which he or she displays information or data, conducts games of skill or chance or dispenses food and beverage, merchandise or the like.

**VILLAGE** -- The Village of Horseheads.

**VILLAGE MANAGER** -- The Village Manager of the Village of Horseheads and Village official designated to be responsible for receiving applications and issuing permits.

**§ 138-2. Purpose.**

The purpose of this chapter is the regulation, through permitting and inspection, of festivals, parades, motorcades or public assemblies and affairs or events of like nature to be conducted in the Village of Horseheads on public streets, sidewalks, alleys, rights-of-way and/or other Village property for the protection of the health, welfare and safety of the public in general.

**§ 138-3. Permit requirements.**

- A. It shall be unlawful for any person to conduct a festival, parade, motorcade, public assembly, or mass gathering in or upon any public streets, sidewalk or alley in the Village or knowingly participate in any such event, unless or until a permit to conduct such festival parade, motorcade, or public assembly has been obtained from the Village Manager.
- B. No permit shall be issued authorizing the conduct of an event, which is proposed to be held for the sole purpose of advertising any product, goods, wares, merchandise or event or is designed to be held purely for private profit.
- C. Any person who desires to conduct an event shall apply for a permit at least 90 days in advance of the date of the proposed event.
- D. Said application shall be made to the Village Manager, and the permit shall be issued if the Village Manager signs the permit form. In the event that the Village Manager shall not sign said permit, then it shall be considered denied and the sponsor may appeal to the Board which may, in its discretion, issue a permit by a majority vote of the Board.
- E. The Village Manager may, at the Village Manager's discretion, consider any application for a permit to conduct an event which is filed less than 90 days prior to the date of such event.
- F. The application for a permit shall be made in writing in a form approved by the Board. The

application shall contain the following information:

- (1) The name, address and telephone number of the applicant.
- (2) The name, address and telephone number of the person, persons, corporation or association sponsoring the activity, if any.
- (3) A statement indicating the purpose of the event.
- (4) The days and hours for which the permit is desired.
- (5) The expected starting and finishing times of the event or events.
- (6) Whether an admission fee is to be charged and, if so, what amount.
- (7) The park, public area or portion thereof for which such permit is desired.
- (8) Whether alcoholic beverages are to be offered for sale or consumption.
- (9) An estimate of the anticipated attendance.
- (10) A description of facilities and equipment to be used, including the number of pieces of equipment for music or other devices for the amplification of sound and the proposed location of same.
- (11) A statement indicating any private security personnel who will be engaged by the applicant to serve on the site.
- (12) A sketch showing the portion of park, public area, street or streets requested to be closed, if any.
- (13) The location of parking area for motor vehicles and the means of ingress and egress to such parking areas.
- (14) Proof of insurance, if required.
- (15) Other information which the Village Manager shall find reasonably necessary to make a fair determination as to whether a permit should be issued.
- (16) In the case of parades, motorcades and similar events, provide the location of the assembly area, location of the disbanding area, the route to be traveled, and the approximate time when the event will assemble, start and terminate; provide a description of the number and type of individual floats, marching units, vehicles and bands; the maximum length of such parade or motorcade in miles or fractions thereof; and the maximum and minimum speeds.

**§ 138-4. Standards for issuance or denial of permits.**

- A. Standards for issuance. The permit shall be issued for an event, conditioned upon the sponsor's written agreement to comply with the terms of such permit, unless it is found that:
- (1) The time, location, route and size of the event will disrupt to an unreasonable extent the movement of other vehicular and pedestrian traffic, or will unduly or substantially interfere with proper and adequate fire protection, ambulance service, and movement of fire-fighting equipment and ambulance service to areas contiguous to the event, the Village in general, or to areas contiguous to same.
  - (2) The event is of a size or nature that requires a diversion of so great a number of police officers to properly police the line of movement and the areas contiguous thereto that allowing the event would deny reasonable police protection to the Village.
  - (3) Such event will interfere with another like event for which a permit has been issued.
  - (4) Such event shall unreasonably interfere with or detract from the general public enjoyment of the public area.
  - (5) The event is reasonably anticipated to incite violence, crime, disorderly conduct, noise, or nuisance.
  - (6) The event will entail unusual, extraordinary or burdensome expense on the operations of the Village.
- B. Standards for denial. The permit shall be denied for an event, and the applicant notified of such denial, where:
- (1) There is a finding contrary to the findings to be made for the issuance of a permit.
  - (2) The information contained or required to be contained in the application is found to be false or nonexistent in any material detail.
  - (3) The sponsor refuses to agree to abide by and comply with the conditions of the permit.

**§ 138-5. Conditions of permit.**

- A. The sponsor will advise all vendors, individuals, groups, organizations, business entities or others participating in the event, either verbally or by written notice, of the conditions of the permit prior to commencement of the event.
- B. The parade or motorcade shall continue to move at a fixed and approved rate of speed, and

any willful stopping of same, except when reasonably required for the safe and orderly conduct of same, shall constitute a violation of the permit.

- C. The Village Manager or Board, as the case may be, may establish such other requirements as are found to be reasonably necessary for the protection of persons and/or property. These requirements may include the right to require special equipment, facilities or the like, including but not limited to adequate portable toilet facilities where, because of any relevant factor, the Village Manager determines that a general need for such facilities exists, an event command post to be established and staffed by the sponsor, and means of communications between event personnel and Village police, fire and public safety personnel.
- D. The Village Manager shall have the right to require the sponsor to notify the public of any temporary street closings or parking restrictions to result from the event. Such notification may include the following:
  - (1) Issuance of a leaflet to every residence in the affected areas at least seven days in advance of the event;
  - (2) Publication of a display advertisement in at least one local newspaper of general circulation identifying the streets or areas to be affected; and
  - (3) Such other and further measures as the Village Manager determines to be reasonable under the circumstances.

**§ 138-6. (Reserved)**

**§ 138-7. Fees.**

- A. If the sponsor is determined to be a wholly nonprofit entity, an event permit fee of \$10.00 shall be charged. A fee of \$100 shall be charged in all other instances for an event permit.
- B. In addition to the above fee, the sponsor shall pay a vendor permit fee for each vendor at or participating in the event. The fee for a vendor's permit shall be the sum of \$10 for each vendor per day. This fee shall not apply in an instance where the vendor is a wholly nonprofit entity, nor shall it apply in those cases where the vendor and the sponsor are one and the same.
- C. The preceding fees shall be payable to the Village Clerk. The event permit fee shall be paid at the time of submission of the permit application; the vendor permit fees shall be paid no later than 48 hours following the event.
- D. In addition thereto, vendors intending to operate food and beverage stands shall be required

to obtain a permit, if required, from the Chemung County Health Department, and pay any fee required by the health and sanitary laws of the State of New York and the County of Chemung.

- E. The above fees may be changed, from time to time, by resolution of the Board. Further, the Board may waive the event permit fee upon application.

**§ 138-8. Health and sanitary requirements.**

- A. All health and sanitary requirements, regulations and licensing shall be adhered to by the sponsor and/or vendors of the event, as provided for in the codes, laws, rules and regulations of the Village, the County of Chemung and the State of New York, which are incorporated by reference herein as if fully set forth.
- B. In addition thereto, the sponsor of an 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 at the discretion of the Village Manager.

**§ 138-9. Fire prevention and public safety.**

- A. The sponsor and/or vendors shall maintain all fire hydrants within the perimeter of the festival parade, motorcade, or public assembly free and clear of any obstruction, with the closest object located next to a fire hydrant at no less than three feet in any direction from its geometrical center.
- B. The sponsor and/or vendors shall meet and observe at all times the requirements of the Police Department, Department of Public Works and Fire Department of the Village.
- C. 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, in a visible, easily accessible location within the booth or stand, a fully charged fire extinguisher of the kind classified as "abc," and Class K with cooking equipment involving vegetable or animal oils. Tents and canopies must meet requirements of the NYS Fire Code.
- D. All doors or gates on entrances to and exits from the premises where the event shall be conducted shall be kept open and unobstructed during the hours of operation of same in order to facilitate the rapid ingress or egress of all persons attending in case of emergency.
- E. It shall be the duty of the sponsor, before the permit shall be issued, to provide the Village Manager, the Fire Department and the Police Department with a sketch depicting the following:

- (1) Location of all fire hydrants within the perimeter of the event. The Village will supply a base map showing hydrant locations on request.
  - (2) The physical layout of stages, booths, stands, amusement rides and the lanes of traffic that shall hereinafter be set forth, showing the approximate dimensions and location of said stages, booths and stands and the location and size of the area which the amusement rides will occupy. The sketch shall also show the location of devices for the amplification of sound.
  - (3) If required, the location of the sponsor's on-site command post/center or official in charge.
  - (4) The unobstructed lane for emergency traffic noted below.
- F. 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 commencement of the event, to provide the Village Manager with a list in which the names, addresses and locations of the vendors and operators of amusement rides shall be set forth, and thereafter any changes to the list will be promptly reported.
- G. It shall be the obligation and duty of the sponsor to maintain during the duration of the event an unimpeded and unobstructed lane for emergency traffic, at least 10 feet in width, for the rapid ingress and egress of vehicles required for emergencies or other governmental purposes.

**§ 138-10. Electrical requirements.**

All electrical requirements, regulations and licensing shall be adhered to by the sponsor and/or vendors of the event as provided for in the electrical and building codes of New York State, which are hereby incorporated by reference as if fully set forth. Should use of Village electrical facilities and meters be desired, prior arrangements shall be made with the Village Manager, who may establish fees and charges for such use.

**§ 138-11. 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 festival unless and before the sponsor or the vendors obtain a proper and legal permit to dispense alcoholic beverages and/or conduct games of skill or chance from the State of New York, the County of Chemung, the Village or any other regulatory agency.
- B. The sponsor and vendors receiving such permits 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, of 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.

**§ 138-12. Duration of permit; hours of operation.**

- A. The duration of a permit for an event shall be for not more than five consecutive days, after which period it shall lapse.
- B. The earliest hours at which it shall be lawful to begin operation of an event in the Village shall be 11:00 a.m., Monday to Saturday, and 1:00 p.m. on Sundays. Closing time shall not be later than the closing time permitted by the Alcoholic Beverage Law. The Village Manager, or in the case of appeals the Board, shall have discretion to modify the time to begin operation of an event when there are compelling reasons to do so.

**§ 138-13. Permit revocation.**

- A. The sponsor's permit or any vendor's permit may be revoked by the Village Manager at any time during the life of such permit if it is determined that the safety of the public or property requires such revocations or for any violation by the sponsor or individual vendor of any provision of this chapter or any violation of the Code of the Village or any other applicable state or federal law, in addition to the penalties set forth in the general penalties section of this chapter.
- B. Anything to the contrary in this section notwithstanding, in the cases of revocation of food and beverage vendor's permits, such revocation may also be at the discretion of the appropriate health or regulatory authority.
- C. The Village Manager, or his or her designee, shall have the authority to close the event if the Village Manager or designee determines that the conditions, including excessive noise, are detrimental to the health, safety and welfare of the public, or if any conditions of the permit are violated.

**§ 138-14. Insurance.**

- A. Before any permit shall be granted, the sponsor shall provide and deposit with the Village Manager a public liability insurance policy in an amount of \$1,000,000 single limit, naming

the sponsor and the Village of Horseheads as coinsured.

- B. In addition thereto, the sponsor shall hold the Village harmless from any and all claims or judgments recovered against the sponsor or the Village in any court of competent jurisdiction. The sponsor shall execute an indemnity agreement in a form satisfactory to the Village Attorney (form attached to permit application).

**§ 138-15. Conduct prohibited.**

No person shall ride a bicycle or roller-skate, roller-blade, skateboard or in-line skate in an event area on the dates and during the times of such event, excepting only law enforcement personnel and any other persons or classification of persons identified on the permit.

**§ 138-16. Cleaning.**

Public property shall be cleaned to the satisfaction of the Village Manager of all litter and debris and restored to the condition that existed prior to the event. To guarantee adequate cleaning, the Village Manager may require the sponsor to deposit an amount of money with the Village Clerk which, in the discretion of the Village Manager, will cover cleaning costs for the event. Said deposit shall be refunded upon satisfactory cleaning of the public property or public area. This shall be determined by the Village Manager. If the area is not adequately cleaned, the Village shall notify the applicant and if corrective action is not undertaken within a reasonable time, the Village may clean the premises and the sponsor shall forfeit the entire deposit and be further responsible for the reasonable costs of the clean up.

**§ 138-17. Penalties for offenses.**

Violation of this chapter shall be punishable by fine or imprisonment or both as prescribed by Chapter 1, Article II, General Penalty, of the Village Code. Each separate violation shall constitute a separate additional offense.