

SPECIAL EVENT PERMIT TERMS AND CONDITIONS

1. Special Event Filing & Permit Approval:

- The submission of a filing fee should not be construed as a special event approval or a confirmation of a special event permit.
- Event operators should not assume special event permits are approved based on prior approvals.
- All special event operators for new events and annual events are required to complete the entire special event process for each event date.
- Special events shall not be advertised to the public prior to the approval of the special event permit by the Town.

2. Special Event Insurance:

Proof of insurance is required for all events. Event operators must provide a Certificate of Insurance for each policy as required in this section. All deductibles and self-insured retentions shall be fully disclosed in the Certificates of Insurance.

- Commercial General Liability: \$2,000,000 per occurrence and \$4,000,000 annual aggregate covering products and completed operations, bodily injury, personal injury, and property damage. The Town of Newstead shall be endorsed as an additional insured using approved forms by the Town of Newstead. The policy shall be endorsed to waive the insurer's subrogation rights against the Town.
- Automobile Liability: If a vehicle is utilized to perform services under this application, the following limits will apply: \$2,000,000 per accident for bodily injury and property damage, or alternatively split limits of \$1,000,000 per person and \$2,000,000 per accident for bodily injury with \$1,000,000 per accident for property damage.
- Workers' Compensation: Statutory coverage, if and as required according to New York State, including Employers' Liability limits of \$2,000,000 per accident. The policy shall be endorsed to waive the insurer's subrogation rights against the Town.
- Insurance is to be primary and non-contributory with any insurance of the Town.
- Each of the above required policies shall be endorsed to provide the Town with thirty (30) days prior written notice of cancellation. The Town is not liable for the payment of premiums or assessments on the policy. No cancellation provisions in the insurance policy shall be construed in derogation of the continuing duty of the event operator to furnish insurance during the term of this Agreement.
- If the event operator maintains broader coverage and/or higher limits than the minimums shown above, the Town requires and shall be entitled to the broader coverage and/or the higher limits maintained by the applicant. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to the Town.
- Certain types of events may have additional insurance requirements.

3. Other Agency Approval:

Many agencies require approval for events that impact their jurisdiction, including but not limited to the Sheriff's Department, New York State Troopers, Local Fire Departments, and New York State Department of Transportation. If approval from another agency is required to hold an event, you must provide an approval letter from the agency(ies).

4. Fees:

All special event fees must be paid in full two weeks prior to the special event. The Building Department will notify applicants which of the following fees apply:

A. Processing Fees.

- Processing Fee is a \$100, non-refundable fee. A completed permit application is required to be submitted a minimum of 60 days in advance of the special event.
- Applications submitted less than 60-days prior to the event may be denied.

B. Permit Fees

- All group gatherings in the Town Park(s) for an organized event will be charged a permit fee.

C. Parking/Day Use Fees (If using municipal property)

- Parking/Day use fees are required in conjunction with special event fees.
- Special event participants, special event volunteers, and special event spectators who enter the park in a motorized vehicle are required to pay day use fees.
- The Highway Superintendent shall have the authority to add a surcharge to the vehicle-parking fee for special events on Town property. The surcharge is used to offset increased expenses associated with large public events (i.e. cleanup, maintenance cost, etc).

D. Fee Payments

- All payments must be made by means of cash in the exact amount, check, or money order.
- Checks must be made payable to the Town of Newstead.
- All fees must be paid in full at least 14 days prior to the event. No postdated checks will be accepted.

E. Waiver of Fees

- Some fees may be waived for Town co-sponsored or cooperative/volunteer association sponsored events. Fees shall be waived in the case of community-based special events.

5. Advertising:

Special events shall not be advertised prior to the approval of the special event.

- Premature advertising of a special event can be grounds for non-approval or cancellation.

6. Music/Use of electronically amplified sound equipment:

- All permits for events with amplified sound will be charged a \$100 processing fee.
- Electricity will not be provided.
- For, any events not in an enclosed building, the event operator must provide a plan, that identifies any potential disturbance to neighboring properties and steps taken to mitigate any disturbance.
- All special events must comply with the Noise Law set forth at §450-89 of the Town of Newstead Town Code.
- Amplified noise must not exceed 80dB from 9a.m. to 11p.m. Amplified noise must not exceed 65dB from 11p.m to 9a.m.

7. Bounce Houses/Play Structures:

Any “Bounce House” or other temporary “Play Structure” (i.e. slide, climbing wall, dunk tank or other play apparatus), must meet the following requirements:

- Liability Insurance covering risk associated with Inflatable Amusement or Play Structure, with limits not less than \$2,000,000 per occurrence and \$4,000,000 aggregate, naming the Town of Newstead, as an additional insured to said policy.
- Bounce House company must have a current Erie County Business Certificate on file with the Town.
- Applicant must provide adequate adult supervision and follow manufacturer safety guidelines.
- The Town assumes no liability for any bodily injury or damage to person or property. Bounce Houses are to be used at the sole discretion of the user.
- All temporary play structures must be free standing or weighted and placed within preauthorized locations. Stakes may not be placed into the ground at Town owned property. In addition, temporary play apparatuses may not be tied to trees, benches, playgrounds, or other structures.
- You must provide a “low noise” generator for your play apparatus if power is required. Electricity will not be provided.
- All temporary play structures must be removed prior to sunset, unless prior approval is granted by the Town.
- The Town is not responsible for damage to or associated with any Bounce Houses or Play Structures brought onto town premises.

8. Sales of Goods & Services:

The selling or offering for sale of any goods, services, liquids or edibles for human consumption is prohibited without the proper approvals.

- All state and local regulations must be met before such sales are allowed.
- All beverages and food sales are required to comply with all local and state health & safety codes and regulations.
- All food vendors must have necessary permits/licenses required by Erie County and New York State.
- Glass containers are prohibited at special events on Town owned property.
- All grease and oils from cooking will be removed by vendor. No illegal dumping of grease or oils on Town premises, in trash cans, or dumpsters is allowed.
- No illegal dumping of food, liquid, ice, or any other substance on Town premises.

9. Alcoholic Beverages:

When alcoholic beverages (beer, wine or liquor of any kind) are to be served, provided or sold at any special event, the event operator shall be required to provide a New York State issued liquor license. No alcoholic beverages shall be sold at any special event without a valid New York State issued liquor license.

- Anyone providing or selling alcohol must provide documentation on how they will prevent the selling or serving of alcohol to persons under the age of 21.
- Alcoholic beverages are prohibited in any type of glass container.

10. Carnivals:

- Applicant shall be responsible for providing security personnel during carnival operations at event operator's expense.
- All vendors and operators shall provide an Erie County Business Certificate and shall have valid permits and inspection certificates as required by New York State.

A. Food/Beverage Vendors

- A list of all food and/or beverage vendors shall be provided to the Building Department as the information arrives.

11. Road Closures:

- It is the responsibility of the applicant to contact the proper entities to facilitate any road closure.
- Applicant will be required to provide written notification to affected residences and businesses two (2) weeks prior to said event.
- Applicant must ensure all affected residences and businesses have access to their driveways at all times.
- Applicant shall maintain a 20-foot-wide emergency vehicle access path into and through the closure area at all times via moveable barriers.
- Fire hydrant access shall not be blocked at any time.

13. Portable Restrooms:

Depending on the size of the event and the availability of park restrooms, special event applicants may be required to contract for portable restrooms.

- Permittees are required to provide portable toilets at locations where no permanent facilities are in place and/or when "total attendance" (including organizers, participants, volunteers, and spectators) exceeds existing restroom facility capability.
- Each portable restroom shall be provided with an approved hand washing station.
- Portable restrooms must be removed within 3 days of the event's conclusion. If not removed by that time, the Town's cost of removing restrooms will be charged to the special event operator. For events lasting more than 3 days, any portable restrooms must be serviced/emptied at regular intervals, not exceeding every 7 days, or as necessary to prevent odor.

14. Dumpsters:

- Applicant will be responsible for disposal of refuse in approved disposal bins. Do not stack trash on the ground.
- Dumpsters cannot block vehicle access.
- Dumpsters must be removed within 3 days of the event's conclusion. If not removed by that time, the Town's cost of removing dumpsters will be charged to the special event operator.

15. Site Preparations & Security:

Event organizers can request extra time to prepare special event locations. Early site preparations and time must be coordinated through the special event staff during the filing process.

A. Special Event Layout

- Event organizers must submit a special event layout map sixty (60) days prior to the event. The layout map will detail: emergency response routes, the special event course, parking, fencing, food service, concessions, portable restrooms, dumpsters, and any other equipment or structures used during the event.

B. Special Event Security

- Event organizers are responsible for the overnight security of the equipment and event structures.
- If event staffing or security is present at an event site overnight, the contents of an overnight security plan shall detail: personnel, contact phone numbers, and other pertinent information.

16. Miscellaneous provisions:

- No overnight camping allowed unless event takes place in an RVP zoning district.
- Organized sporting activities will require participant waivers.
- Before erecting any tents, you must first obtain approval from the Building Department.

17. Fireworks:

- Fireworks displays will be required to obtain both a special event permit and the display company must complete the “REQUEST FOR FIREWORKS DISPLAY PERMIT” available at the Building Department.
- Fireworks must begin within thirty (30) minutes from dusk.
- Fireworks displays are not permitted to exceed ten (10) minutes in duration except during holiday celebrations for the Fourth of July, New Year’s, and any Town Sponsored Events.
- Fireworks must be set-off a safe distance from any residence, such that no fall out from the fireworks shall land within 50 feet of any residence.
- Compliance with all NYS rules and regulations is mandatory including but not limited to, Penal Law section 405.00(2), General Business Law Article 28-D, 12 NYCRR Part 61, and NYS Fire Code §5608 – Fireworks Display.
- Notice must be provided to all residents/residences located within one (1) mile of the fireworks launch site one (1) week prior to any fireworks display.
- Certificate of display company’s liability insurance with \$5,000,000 coverage naming the Town of Newstead as an additional insured must be provided with the permit application.

