

THE TOWN OF DEERPARK, ORANGE COUNTY, NEW YORK

LOCAL LAW NO. 2 OF 2014

A LOCAL LAW AMENDING CHAPTER 102, ASSEMBLIES, MASS PUBLIC, OF THE  
CODE OF THE TOWN OF DEERPARK

1. Purpose. The purpose of this local law is to amend the existing § 102-3 of the Code of the Town of Deerpark to lower the threshold for an application to be filed and to create a longer period between the initial filing of the application and the event which shall permit the Town Board to give greater consideration to the application. Also, this local law will amend § 102-4 which contains the fee structure for mass gatherings permits.

2. Legislation.

The following language shall replace the existing § 102-3(A) of Chapter 102 of the Town of Deerpark Code:

- A. No person shall hold or promote, by advertising or otherwise, a mass gathering of persons in excess of **500** unless a written permit authorizing such use shall have been obtained from the Town Board.

The following language shall replace the first sentence of § 102-3(B) of Chapter 102 of the Town of Deerpark Code:

- B. Application for such permit shall be by verified petition addressed to the Town Board and shall be filed with the Town Clerk at least 120 days prior to the date upon which such mass gathering is contemplated.

The following language shall be added and named § 102-3(G) of Chapter 102 of the Town of Deerpark Code:

- G. Requirement of a Mass Gathering Permit may be waived by a super majority vote of the Town Board (four affirmative votes) upon written recommendations provided by the Town's Building Inspector, Town Engineer and Town Attorney.

The following language shall replace the existing § 102-4 of Chapter 102 of the Code of the Town of Deerpark:

**§ 102-4. Fees.**

- A. The applicant shall pay to the Town a nonrefundable fee of \$1,000 at such time as the application is submitted.
- B. At the Town Board's discretion, it may waive or reduce the application fee if the circumstances warrant such waiver or reduction.

- C. The applicant shall be responsible for reimbursing the Town for services provided for the mass gathering. Such reimbursements shall include, but are not limited to, access to and use of public water supplies, overtime compensation for Town employees, and any other service the Town may provide.

The following language shall replace the existing § 102-4 of Chapter 102 of the Code of the Town of Deerpark:

**§ 102-5. Violations and penalties.**

A. Any person who shall use, allow, let or permit to be used property for the mass gathering of persons in excess of 500, or any person who shall hold, promote by advertising or otherwise, or cause the gathering, collecting or congregating of persons in excess of 500 persons in places without having a written permit in accordance with the provisions of this chapter shall be deemed to have violated this chapter. Any person who commits or permits any act in violation of any of the provisions of this chapter shall be deemed to have committed a misdemeanor against such chapter, and shall be liable for the penalties provided. A separate offense against this chapter shall be deemed committed on each day during or on which a violation occurs or continues. A separate penalty may be imposed for each separate offense.

B. For each violation of a provision of this chapter the person violating the same shall be subject to a fine of not more than **\$2,000** or imprisonment not to exceed six months, or to both such fine and imprisonment.

C. Any person violating this chapter shall be subject to a civil penalty enforceable and collectable by the Town in the amount of **\$2,000** for each offense.

D. In addition to the above provided penalties, the Town Board may also maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of such chapter.

PLEASE TAKE NOTICE TO THE EXTENT THAT THIS LOCAL LAW MAY CONFLICT WITH APPLICABLE PORTIONS OF THE TOWN LAW OF THE STATE OF NEW YORK, IT IS THE STATED INTENTION OF THE TOWN TO EXERCISE ITS AUTHORITY TO SUPERSEDE AND AMEND, AS GRANTED UNDER THE MUNICIPAL HOME RULE LAW OF THE STATE OF NEW YORK, SECTION 10. THE TOWN HEREBY PROVIDES NOTICE THAT IT IS EXERCISING ITS AUTHORITY TO SUPERSEDE AND AMEND PURSUANT TO MUNICIPAL HOME RULE LAW OF THE STATE OF NEW YORK SECTION 22.

3. Effective Date:

This Local Law shall take effect adoption by the Deerpark Town Board and upon filing in the Office of the Secretary of State as provided by Section 27 of the Municipal Home Rule Law.