



## **TOWN OF SHELTER ISLAND**

**38 NORTH FERRY ROAD - P.O. BOX 1549  
SHELTER ISLAND, NEW YORK 11964-1549**

**ADMINISTRATIVE (631)-749-1166  
FAX NUMBER (631)-749-3436**

### **Chapter 33**

#### **ASSEMBLIES, OUTDOOR**

- § 33-1. Title.
- § 33-1.1. Purpose
- § 33-2. Permit required; application.
- § 33-3. Issuance of permit.
- § 33-4. Latrines.
- § 33-5. Applicant to clean up site; return of deposit.
- § 33-6. Trespassing on adjoining property.
- § 33-7. Penalties for offenses.

[HISTORY: Adopted by the Town Board of the Town of Shelter Island 5-11-1970. Section 33-7 amended during codification; see Ch. 1, General Provisions, Art. II. Other amendments noted where applicable.]

- § 33-1. Title.

This chapter shall be known as the "Outdoor Assembly Ordinance of the Town of Shelter Island."

§ 33-1.1. Purpose. [Added 10-1-2004 by LL No. 13-2004, effective 10-7-2004]

By adoption of this law, the Town Board seeks to regulate those listed organized events which attract a large number of people, and might adversely affect the well-being of Town residents. Organized activities which are open to the public, either on private or public property, often involve large assemblages of people, generally require some control over traffic and parking and can cause a strain on governmental services, particularly during the summer season. In case of events held on public property, the large number of people which may be drawn to certain events has the further potential to interfere with the general public's normal use of highways and municipal facilities. This law is intended to minimize the impact of these activities by appropriate regulation.

§ 33-2. Permit required; application. [Amended 8-23-1996 by L.L. No. 14-1996; 10-1-2004 by LL No. 13- 2004, effective 10-7-2004; 9-7-2007 by LL No. 9-2007, effective 9-12-2007; 10-3-2008 by LL No. 9-2008, effective 10-9-2008]

A. No person, firm or corporation shall conduct any organized race, children's ride, adult ride, circus, carnival, tent show, music performance, or fireworks display whether on public or private property or Town waters, without an outdoor assembly permit. Additionally, any event involving Town services within the Town of Shelter Island, excluding the Village of Dering Harbor, requires an outdoor assembly permit from the Town Board of the Town of Shelter Island. Additionally, at a Town-owned beach or park, the following activities shall only be permitted under the terms and conditions of a public assembly permit duly issued by the Town Board:

- (1) Activities involving erection of a dance floor, arch, greater than 100 square foot tent, fence or other structure, or
- (2) Private concerts, shows, or dances, or
- (3) Staging area for walkathons, marathons or bike races.

B. Application. [Amended 10-1-2004 by LL No. 13- 2004, effective 10-7-2004]

- (1) Written application must be made to the Town Board and filed with the Town Clerk, together with a fee of one hundred dollars (\$100.) and a further sum of one hundred dollars (\$100). to assure compliance with the terms upon which each permit shall be deemed to have been issued.
- (2) Where the Town Board determines that there is no specific Town benefit from the event, a deposit shall be made in an amount to be determined prior to issuance of the permit based upon the estimated direct costs attributable to additional Police

and Highway costs associated with the event. After the event, the deposit will be used to cover such costs, and any excess deposit will be refunded.

- (3) The application must be filed at least thirty (30) days in advance of the earliest date for which the permit is applied for. Applications seeking to be processed in less time than specified above shall pay a rush fee in the amount of \$100.00, in addition to the prescribed application fee. [Amended 8-3-2006 by L.L. No. 9-2006; 12-8-2006 by L.L. No. 17-2006]
- (4) The application must be signed by an adult who shall be responsible for the statements therein and for the conditions for which each permit is deemed issued. No permit shall be issued to any person who has been convicted of a felony. A permit issued shall be revoked forthwith for any violation of any of the terms or conditions herein set forth, which terms shall be as set forth in the chapter.
- (5) The application shall clearly describe the premises to be used.
- (6) The applicant shall provide a certificate of insurance evidencing coverage in the amount of one millions dollars (\$1,000,000.) per occurrence/ two million dollars (\$2,000,000.) aggregate, or in another amount as specified by the Town Board, and naming the Town of Shelter Island as additional insured during the time of the event.

§ 33-3. Issuance of permit. [Amended 8-23-1996 by L.L. No. 14-1996; 10-1-2004 by LL No. 13- 2004, effective 10-7-2004]]

A permit shall be issued only if the proposed activity is approved by the Town Board. In deciding whether or not to approve the issuance of such permit, the Town Board shall consider:

A. The size of the premises in relation to the number of persons expected to attend the gathering.

B. The sufficiency of arrangements made to control traffic, parking, noise, lighting and refuse.

C. Conflicts with other events which might overtax police and emergency services.

D. Conflicts with other events which may 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 and whether this frequency 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. In the case of public gatherings, conflicts with ordinary public use of the land or facilities involved.

G. Whether the applicant or owner of the premises at which the subject gathering is to be held has been convicted for failure to comply with the terms of any outdoor assembly permit issued within the last three years.

H. Events described in Section 33-2A are strongly discouraged at Town beaches and parks from the Friday before the observance of Memorial Day until Labor Day. [Added 9-7-2007 by LL No. 9-2007, effective 9-12-2997]

#### § 33-4. Latrines

Any applicant for a permit shall be required to provide and maintain latrines, of a number and type approved by rules of the Suffolk County Department of Health, for the use of persons engaged in conducting the undertaking for which the permits shall apply and for the patrons of said permitted undertaking, during the permit period.

#### § 33-5. Applicant to clean up site; return of deposit. [Amended 10-1-2004 by LL No. 13- 2004, effective 10-7-2004]

Upon the expiration or revocation of the permit, the permit holder shall leave the site clean and free of all debris. For a failure to clean up the premises or site, the same shall be done at the expense of the applicant. The deposit, or as much as remains after payment of cleanup and Police and Highway costs, shall be returned to the permit holder.

#### § 33-6. Trespassing on adjoining property.

The applicant shall be required to prevent patrons, permittees and/or invitees of the undertaking for which the permit is issued or persons engaged in conducting the same from trespassing upon the adjoining property or premises and shall set forth in the application the details how the same shall be accomplished.

#### § 33-7. Penalties for offenses. [Amended 6-12-1981 by L.L. No. 1-1981; 10/3/2008 by LL No. 9-2008, effective 10-9-2008]

An offense against the provisions of this chapter shall constitute a violation under the Penal Law and shall be punishable by a fine of not more than five hundred dollars (\$500) or by imprisonment for not more than fifteen (15) days, or both.