

**Town of Berkshire
SPECIAL EVENTS LOCAL LAW**

Table of Contents:

Section I	Purpose and Intent	Page 2
Section II	Definitions	Page 2
Section III	Provisions and Requirements	Page 2
Section IV	Exclusions	Page 3
Section V	Administration and Enforcement	Page 3
Section VI	Enforcement Procedure	Page 3
Section VII	Reference	Page 4
Section VIII	Severability/Invalid Segments	Page 4
Section IX	Penalties	Page 4
Section X	Effective Date	Page 4

Town of Berkshire
SPECIAL EVENTS LOCAL LAW

Section I: Purpose and Intent:

Be it enacted by the Town Board of The Town of Berkshire to declare its intent to protect the welfare of the citizens and to regulate and control Special Events held on land in the Town of Berkshire. This local law addresses requirements for special events or gatherings on any given site, with significant participation, to ensure provision are provided to protect the health and safety of the community and those attending the events.

Section II: Definitions

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

OPERATOR — The person, entity or organization which organizes and operates a special event and the owner of the property where the event is held are collectively referred to as the "operator" for purposes of this chapter.

SPECIAL EVENT — Any event or gathering open to the general public in the Town of Berkshire which will result in traffic generation of more than fifty (50) vehicles or two hundred (200) people and:

- (1) Lasts more than eight (8) hours in duration; and/or
- (2) Involves overnight camping on property by attendees.
- (3) Is not one of the following:
 - a) A noncommercial social gathering at a single-family residence, including, but not limited to, a party, family reunion or wedding; or
 - b) An event operated by a Not-for-Profit Corporation or a Charitable Corporation which is as defined in Chapter 35, Article 1, Section 102 of the Consolidated Laws of New York State as a corporation (1) formed exclusively for a purpose or purposes, not for pecuniary profit and (2) in which no part of the assets, income or profit of which is distributable to, or inures to the benefit of, its members, directors, or officers except to the extent permitted under this statute.

Section III: Provision and Requirements

A. Special event permit required.

1. No operator shall hold a Special Event in the Town of Berkshire, or permit such an event to be held on property they own, without first obtaining a Special Event permit from the Town of Berkshire as prescribed in this local law.
2. The Special Event permit shall be approved at least ninety (90) calendar days prior to the commencement of the Special Event.

B. Requirements.

1. No Special Event shall be more than three (3) days in duration.
2. No more than one (1) Special Event permit per calendar year shall be issued to the same operator or for the same property. Any applications for Special Event permits in excess of this limit must be made to the Town Board of the Town of Berkshire.

3. The operator shall be responsible for safe operation of traffic and parking on the property where the Special Event is held and will provide an attendant to oversee and regulate traffic on the property. Also, appropriate signage and access to property from local roads needs to be controlled.
4. The operator shall provide proof of liability insurance for the special event in an amount of no less than one million dollars (\$1,000,000), naming the Town of Berkshire as additionally insured. Any request to maintain a lower amount of insurance coverage will require the written consent of the Town Board.
5. If the Special Event includes overnight camping, the operator will obtain all necessary approvals from the Tioga County Health Department prior to applying for the Special Event permit from the Town of Berkshire.

Section IV: Exclusions

A Special Event permit will not be necessary for not-for-profit organization and residential private party.

Section V: Administration and Enforcement

- A. The Code Enforcement Officer (CEO) of the Town of Berkshire is designated as the coordinator for Special Events activities and to enforce the articles of this local law.
- B. The operator of the Special Event shall apply for a Special Event permit by completing an application and returning it to the CEO **one hundred twenty (120) calendar days prior to the event**.
- C. Applicant will need to specifically identify the following:
 1. Property where the event will take place by address and tax parcel number
 2. The owner of the property
 3. The operator of the event
 4. The planned dates and hours the event will occur
 5. Contact information and phone number during set-up, during the event, and during tear-down
- D. Special Events checklist, provided with the application, must also be reviewed, and adhered to in preparation for any Special Event.
- E. Every application for a special event permit shall be accompanied by the following:
 1. An application fee as set on the Town Fee Schedule.
 2. An insurance binder or other written proof of insurance coverage as required by this local law.
 3. If the special event will include overnight camping, copies of all documents showing approval of the camping facilities by the Tioga County Health Department.
 4. To assure the safety of the community and all attendees, confirmation that all appropriate agencies, such as fire, emergency services, and law enforcement, have been notified.

Section VI: Enforcement Procedure

- A. If the CEO has reason to believe or discovers a violation of this local law, they shall contact the Operator for the permit and advise them of the means to correct the issue.
- B. All violation and preparations must be resolved before any event can occur.

- C. If the Operator fails to comply, the CEO will issue a stop work order and the special event will be canceled.

Section VII: References

Chapter 35, Article 1, Section 102 of the Consolidated Laws of New York State
Special Events Application
Special Events Checklist

Section VIII: Severability

Should any section or provision of this local law be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this local law as a whole or any part thereof other than the part declared to be invalid.

Section IX: Penalties

- A. Failure to comply with the requirements of this Special Events local law shall constitute a violation and shall be punishable by a fine of one thousand dollars (\$1,000) for the first violation and two thousand dollars (\$2,000) for each subsequent violation.
- B. Each day of failure to comply with the requirements of this chapter shall constitute a separate violation.

Section X: Effective Date

This Local Law shall take effect immediately upon filing by the Secretary of State in 2024.