

**VILLAGE OF WARWICK  
LOCAL LAW NO. 1 OF THE YEAR 2022**

A local law to amend Village Code Chapters 39 and 90 and A150 regarding Village Parks and Facility Use Permits and to enact a new Chapter 39A regarding assemblies.

Section 1. Purpose:

The purpose of this local law is to promote the public health, safety and welfare by amending Village Code Chapter 39 "Assemblies, Public – Village Owned Properties", and Village Code Chapter 90 "Park Rules and Regulations" and new Village Code Chapter A150 "Facility Use Permits" and enacting a new Chapter 39A "Assemblies, Public – Private Property."

Section 2. Amendment of Village Code:

(I.) Village Code Chapter 39, "Assemblies, Public – Village Owned Properties" is hereby repealed and re-enacted to read as follows:

"Chapter 39

**Assemblies, Public**

**Village Owned Property**

**§ 39-1 Purpose; statutory authority; scope.**

The Board of Trustees, in order to promote proper government and ensure the proper protection, order, conduct, safety, health, welfare and well-being of persons and property within the Village of Warwick, Orange County, New York, finds that it is in the public interest to enact this chapter pursuant to the provisions of Section 4-412 of the Village Law of the State of New York. This chapter shall regulate the assembly of persons where such assembly exceeds 200 persons on property owned by the Village of Warwick including but not limited to buildings, parkland, park facilities, parking lots, and streets.

**§ 39-2 Definitions.**

Unless otherwise expressly stated, the following terms shall, for the purpose of this chapter, have the meaning herein indicated. Words used in the present tense include the future, the singular number includes the plural and the masculine shall include the feminine:

**ASSEMBLY**

The gathering or collecting or congregating of persons on property owned by the Village of Warwick including but not limited to buildings, parkland, park facilities, parking lots, and streets, with or without the levy of an admission fee, for a common purpose, such as, but not limited to, sports events, circuses,

carnivals, festivals, music festivals or religious observances.

### **ASSEMBLY – GREATER THAN 200**

The gathering or collecting or congregating of persons in excess of 200 persons, either at any one time or in the aggregate over time, at any place within the Village, with or without the levy of an admission fee, for a common purpose.

### **BUILDING**

A structure wholly or partially enclosed with exterior walls and a roof, of permanent or temporary nature, affording shelter to persons, animals or property.

### **PERSON**

Any individual, firm, company, association, society, corporation or group.

**SHALL is mandatory, and MAY is permissive**

### **STRUCTURE**

A combination of materials to form a construction that is safe and stable and includes, among other things, stadiums, stages, prop forms, radio towers, sheds, storage bins, tents, billboards, space signs, bleachers, ramps and seats.

### **§ 39-3 Permit required; application; required information, facilities and surety.**

- A. No person shall use, allow, let or permit to be used property owned by the Village of Warwick for the assembly of persons in excess of 200 persons, nor shall any person use, allow, let or permit to be used property owned by the Village of Warwick for any part or portion of such assembly of persons which total assembly in the aggregate is in excess of 200 persons, unless upon written permit authorizing such use and assembly issued by the Board of Trustees through the Village Clerk.
- B. Application for such permit shall be by verified petition on forms to be furnished by the Village, addressed to the Board of Trustees and filed with the Village Clerk at least 90 days prior to the date upon which such use and assembly shall occur. The Board of Trustees shall act upon the complete application within 30 days after its submission. Such application shall include the following information:
  - 1. A statement of the name and residence address of the applicant; if the applicant is a corporation, the name of the corporation and the names and addresses of its directors and officers; the applicant must reside within the Town of Warwick, who shall be authorized to and shall agree to a verified statement to accept notices

or summonses issued with respect to the application or the conduct of the assembly or use in any manner involving it arising out of the application, construction or application of this chapter.

2. A statement containing the expected maximum number of persons intended to use the property at one time and collectively; the expected number of automobiles and vehicles intended to use the property at one time and collectively; and the purpose of the assembly and use, including the nature of the activity to be carried on and the admission fee to be charged, if any.
3. A detailed map showing the location of the event including any structures to be erected for the purpose of the assembly.
4. A plan drawn to scale showing the layout of any parking area for motor vehicles, including disability parking spots and the means of egress from and ingress to such parking area.
5. A statement containing the type, number and location of any sound amplifier or loudspeaker or sound truck, or other similar sound equipment.
6. A statement specifying whether food or beverage is intended to be prepared, served or distributed. If food or beverages are intended to be prepared, sold or distributed, a statement specifying the method of preparation and distribution of such food or beverage such as food trucks or open grills and the method of disposing of garbage, trash, rubbish or any other refuse arising therefrom. If food or beverage is to be prepared, sold, and distributed, a plan or drawing to scale must be attached to the application showing the buildings or other structures from which the food or beverages shall be prepared, sold or distributed.
7. A statement specifying that the Warwick Police Department, Warwick Fire Department, and Warwick EMS have been notified of the event, including any recommendations from the aforesaid Departments.
8. A statement specifying whether any outdoor lights or signs are to be utilized, and, if so, a map showing the number, location, size, type of such lights and signs.
9. A statement specifying whether any camping or housing facilities are to be available, and, if so, a plan drawn to scale showing the intended number and location of the same.
10. A statement specifying the contemplated duration of assembly and use.
11. If the assembly and use are to continue from one day into another, a statement specifying the camping or housing facilities available or to be made available on the premises.

- C. No permit shall be issued unless it is clearly shown that all of the following are provided for and approved in writing by the Orange County Health Department and the Board of Trustees of the Village of Warwick:
1. A permit is required from the Orange County Department of Health when offering or selling any food to the public. It is the applicant's responsibility to contact the Orange County Department of Health to obtain necessary permits. Contact the Orange County Department of Health for further information.
  2. Toilet facilities adequate for the capacity of the assembly or use, including use by persons with disabilities. Portable toilet facilities shall be located as to be conveniently available and must be adequately maintained.
  3. Adequate facilities and arrangements for safe, clean disposal of solid waste, garbage and trash.
  4. Adequate off-street and off-road facilities for the contemplated number of people attending the assembly or use, including parking for persons with disabilities. Parking space shall be provided for at least one car for every four persons in attendance.
- D. No permit shall be issued unless the applicant shall furnish the Village with a comprehensive liability insurance policy insuring the Village against liability for damage to persons or property with limits of not less than \$500,000/\$1,000,000 bodily injury or death, and limits of not less than \$500,000 for property damage, sufficient to save the Village harmless from any liability or cause of action which might arise by reason of the granting of the permit, and not cancellable without 10 days' prior written notice to the Village. The applicant shall further provide a security deposit of \$500 with the Village to ensure the removal of trash and other waste material as hereinafter provided, which deposit shall be returned to the applicant within 30 days from the date of termination of the assembly after deduction therefrom of all expenses caused by the applicant's not complying to remove said trash and other waste material.
- E. Within 48 hours from the date of the termination of the assembly, trash, paper, garbage and other waste material shall be completely removed from the premises in a safe, clean and sanitary manner.
- F. Any permit issued may be revoked by the Board of Trustees through the Village Clerk if at any time it should be determined that the applicant has failed to provide the facilities as specified in the application, or that the setting up of the facilities provided for in the application cannot be reasonably accomplished within the time or date set for the assembly or use.

#### **§ 39-4 Application fee.**

Each application shall be accompanied by a fee at the time of its submission as set forth in Chapter 63, Fees. The fee shall compensate the Village for its examination and processing of such application and shall not be refundable in whole or in part.

#### **§ 39-5 Enforcement; penalties for offenses.**

- A. Any person who shall use, allow, let or permit to be used Village of Warwick owned property for the assembly of persons in the excess of 200, or shall use, allow, let or permit to be used Village of Warwick owned property for any part or portion of such assembly, which total assembly in the aggregate is in excess of 200 persons, or any person who shall cause the gathering, collecting or congregating of persons in excess of 200 on Village of Warwick owned property without first obtaining a written permit, in accordance with the provisions of this chapter, shall be deemed to have violated this chapter and committed a misdemeanor against the chapter and shall be liable for the penalties provided. Any person who commits or permits any act in violation of any provision of this chapter shall be deemed to have violated this chapter and committed a misdemeanor against the chapter and shall be liable for the penalties provided.
- B. For each violation of the provisions of this chapter, the person violating the same shall be subject to a fine of not more than \$1,000 nor less than \$100, or imprisonment not to exceed one year, or to both such fine and imprisonment.
- C. In addition to the above-provided penalties, the Board of Trustees may maintain an action or proceeding in the name of the Village in a court of competent jurisdiction to compel compliance with this chapter or to restrain by injunction the violation of such chapter, and in such action or proceeding the Village shall be entitled to recover the attorneys' fees incurred in prosecution of the same. "

(II.) A new Village Code Chapter 39A, entitled "Chapter 39 : Assemblies, Public - Private Property" is hereby enacted which shall read as follows:

"§ 39A-1 Purpose; statutory authority; scope.

The Board of Trustees, in order to promote proper government and ensure the proper protection, order, conduct, safety, health, welfare and well-being of persons and property within the Village of Warwick, Orange County, New York, finds that it is in the public interest to enact this chapter pursuant to the provisions of Section 4-412 of the Village Law of the State of New York. This chapter shall regulate the assembly of persons where such assembly exceeds 200 people at any given time on private property within the Village of Warwick.

#### § 39A-2 Definitions.

Unless otherwise expressly stated, the following terms shall, for the purpose of this chapter, have the meaning herein indicated. Words used in the present tense include the future, the singular number includes the plural and the masculine shall include the feminine:

##### ASSEMBLY

The gathering or collecting or congregating of persons on private property, with or without the levy of an admission fee, for a limited, or one-time, or extraordinary event, such as, but not limited to, a wedding, celebration, festival, concert, or religious observances.

##### ASSEMBLY – GREATER THAN 200

The gathering or collecting or congregating of persons in excess of 200 persons, either at any one time or in the aggregate over time, at any place within the Village, with or without the levy of an admission fee, for a common purpose.

#### § 39A-3 Written notification.

Assemblies of persons where such assembly exceeds 200 people at any given time on private property within the Village of Warwick requires written notice to be provided to the Village Clerk not less than seven (7) days prior to the assembly. The notification shall include the date(s), start and end time(s) of the assembly, property address of the assembly, property owners and event organizers full name, email address, mailing address, home phone, business phone, and cell phone number. Upon receipt, the Village Clerk shall provide the written notification to the Mayor and Warwick Police Department.

#### § 39A-4 Parking and bathroom facilities

It is the responsibility of the event organizer to arrange for adequate parking and bathroom facilities.

(III.) Village Code Chapter 90, "Park Rules and Regulations", is hereby repealed and re-enacted to read as follows:

"Chapter 90

**Park Rules and Regulations**

**§ 90-1 PURPOSES**

1. The purpose of this chapter and the rules and regulations authorized hereunder is to harmonize, organize, clarify, and collect all laws relating to the governance of the use of the parks and facilities in the Village of Warwick so that they may endure and be used and enjoyed in peace and safety by the citizens of and visitors to the Village of Warwick in perpetuity.

**§ 90-2 DEFINITIONS**

A. As used herein the terms 'Park(s)' and 'Park Facilities' shall mean all lands and facilities under the jurisdiction, supervision, and control of the Village of Warwick, including but not limited to park lands, ball fields, playgrounds, basketball courts, skatepark, water courses, historic sites, nature preserves, and all other recreation facilities; and shall also include buildings, structures, parking areas, and all other Village of Warwick owned property.

B. "User(s)" shall hereinafter refer to all persons entering upon and/or using the Parks and/or Park Facilities for any purpose, other than to carry out their duties and responsibilities as agenda or employees of the Village of Warwick, o be interpreted herein in the singular or plural as the sense shall require.

**§ 90-3 GENERAL USE**

A. The parks and Park Facilities are for the peaceful use and safe enjoyment of citizens and residents of the Village of Warwick and visitors to the Village of Warwick. Use of the Parks and Park Facilities shall conform to this Chapter of the Code of the Village of Warwick and to all rules and regulators promulgated thereunder.

B. The Parks and Park Facilities, except as may be excluded or limited by the Village of Warwick DPW Supervisor, shall be open for public use on such days, at such times according to the below schedule or as the Village of Warwick DPW Supervisor may determine or designate. Such schedule shall be subjected to such temporary or permanent amendment or variation as the DPW Supervisor may determine.

1. Stanley Deming Park

No person shall enter into, remain or be found in Stanley Deming Park in the Village of Warwick between the hours of 9:00 p.m. and 6:00 a.m., without a special permit issued by the Village.

2. Railroad Green

No person shall enter onto, remain, or be found on Railroad Green located at the intersection of Main Street and Railroad Avenue during the hours of 11:00 p.m. and 6: a.m. without a special permit issued by the Village.

3. Memorial Park

No person shall enter into, remain or be found in Memorial Park in the Village of Warwick on foot or by vehicle between the hours of 9:00 p.m. and 6:00 a.m. without a special permit issued by the Village.

4. Memorial Park- Robert Newhard, Sr. Skate Park

No person shall enter into, remain or be found in the Robert Newhard, Sr. Skate Park in Memorial Park in the Village of Warwick between the hours of 9:00 p.m. and 6:00 a.m. without a special permit issued by the Village.

5. Lewis Woodlands

No person shall enter onto, remain or be found on Lewis Woodlands Park between dusk and dawn without a special permit issued by the Village.

6. Hallowed Ground

No person shall enter onto, remain or be found on Hallowed Ground Park between dusk and dawn without a special permit issued by the Village.

C. The Parks and Park facilities shall not be used other than during such times as the Village of Warwick DPW Supervisor shall have determined or designated. Exceptions for special uses at times not specified for used by the general public shall require a special permit issued by the Village of Warwick. Groups, clubs, businesses, or other organizations wishing to use the Parks or Park Facilities for an event must first secure in writing a special permit issued by the Village.

D. The Parks or any portion or portions thereof and Park Facilities or any part thereof may be closed or rendered unavailable for access or use, for such interval of time as may be deemed appropriate or necessary, by the Village of Warwick DPW Supervisor, Mayor, or Village Board of Trustees. Such closing may be



accompanied by the posting of notices and/or signs to such effect upon the affected property and/or facilities, and otherwise may best give notice of same to the public.

E. The Village Board of Trustees is authorized to adopt a schedule of fees, which shall be charged for the use of Park or Park Facilities and/or equipment. The Village Board is authorized to require the posting of security, in the form of cash or check, and insurance as a condition of the use of the Parks or Park Facilities and/or equipment. Should any damage be done to the premises for which the cost to repair shall be in excess of said sum, then either the individual making application for said permit or the group which he represents or on whose behalf he signs, or both, may be held legally responsible for said excess.

F. It will be the responsibility of the organized leagues to mark fields and to install necessary equipment for that league or any other items necessary for the operation of that league.

G. Use of the Parks and Park Facilities shall be at the sole and complete risk of the User. The Village of Warwick assumes no responsibility and is not liable for any injury, damage, or losses to any persons or property arising from the use of the Parks and/or Park Facilities.

H. Entering upon and using the Parks and/or Park Facilities shall constitute an agreement by the User to hold the Village of Warwick harmless from all claims from injury, damage or loss to any persons or property arising from the use of the Park and/or Park Facilities. Injury, damage or loss of property of the Village of Warwick, including the Parks and/or park facilities, resulting from the use of the Parks and/or Park Facilities, shall be the responsibility of the User, who shall be liable to the Village of Warwick for the actual cost or value of such injury, damage or loss; in addition to such other claims and sanctions as may be allowed or imposed by law.

I. All Federal, State, and local laws, rules, regulations and ordinances which apply or shall hereinafter apply in and for the Village of Warwick shall apply in and for the Village of Warwick Parks and Park Facilities, including insofar as same require prior notice of actions, claims, suits, and other proceedings; and in all other form and for such other purposes as are or may be provided therein.

#### **§ 90-4 CONDUCT AND PROHIBITIONS**

A. The Village of Warwick, DPW Supervisor, and any individual who may be designated in writing by the Village Board of Trustees and who shall be, in any event, an official of the Village of Warwick, shall have the authority to monitor compliance and seek enforcement of the provisions of this chapter and any rules and regulations promulgated hereunder.

B. The Village of Warwick Board of Trustees, Mayor, or DPW Supervisor shall have the authority to promulgate rules and regulations regarding the use of the Parks or Park Facilities. A current copy of all such rules and regulations shall be maintained on file in the Clerk's Office and on the Village's website.

C. As set forth in Chapter 39, Assemblies, Public - Village Owned Property, assemblies of persons in Parks, Park Facilities, and/or Village owned property where such assembly exceeds 200 people requires a Facility Use Permit that is available in the Clerk's Office and on the Village's website.

D. All dogs must be leashed while in Parks, Park Facilities, and/or on Village owned property.

E. All persons are prohibited from doing any of the following in or upon any Park or any Park Facilities:

1. Entering, remaining upon, and/or using the Parks and/or Park Facilities at any other time other than as scheduled or made available for use by the Village authority.
2. Failing to obey all signs, signals, speed limit signs and other directions and instructions from the Village of Warwick or other lawful authorities in or on Park Property and Park Facilities.
3. Carry or have in possession while in any Village Park any glass containers, bottles, or breakable glass products.
4. Making or causing loud noise and/or music in or on Park property and Park Facilities in such manner as disturbs or interferes with other users; or in any fashion impairing the ability of any person to quietly enjoy and use the same.
5. Possessing and/or using explosives, fireworks, rockets, dangerous chemical and/or devices or substances in or on the Parks and Park facilities, unless specifically approved by the Village Board of Trustees.
6. Littering, dumping, disposing or otherwise placing household trash, solid or liquid waste or debris in or on the Park property or Park Facilities except in appropriate receptacles provided therefor. No person shall use Park receptacles for household waste, construction and demolition debris or waste, medical waste, radioactive waste, chemical waste or other waste material which is generated or originated anywhere except on or from Park's property.
7. Acting, behaving, and/or using language in a disorderly, disturbing, indecent or obscene manner; or harassing, annoying, disturbing or interfering with other persons using the Parks and/or Park Facilities.

8. Possessing, using, selling or conveying to another person alcohol or substances containing alcohol except as hereinafter provided; or illegal chemicals, compounds or drugs; being in or upon or using the Parks or Park facilities while intoxicated or under the influence of alcohol or drugs or while abilities are impaired by same.

9. Smoking, tobacco use, cannabis use, electronic cigarettes and vapor products shall be banned in all public parks, the sidewalks immediately adjoining any parks, any pedestrian route through any park, public parking lots and any other Village-sponsored outdoor gathering of people, and all property within 24 feet of a public park except for private property.

10. Carrying or possessing any kind of weapons in or on Park property or Park Facilities, including but not limited to firearms, bows, slingshots, air or spring guns; or firing or discharging firearms or weapons on, from, into or across Park property and/or Park Facilities.

11. Secreting, storing, burying, abandoning, or otherwise emplacing privately owned or abandoned materials, items or property in or upon Park property and/or Park facilities.

12. Illegal activities of any kind are prohibited.

13. Taking upon or intentionally or negligently allowing upon Park property or Park facilities any unleashed, unconfined, or otherwise uncontrolled animal, or any animal under any circumstances which poses a danger or threat to the health and safety of any person or to any person's right and opportunity to quietly use and enjoy the Parks or Park Facilities.

14. Parking any vehicle, trailer or other human or animal conveyance or apparatus anywhere other than in designated parking areas, or contrary to the instructions of lawful authority. Parking overnight in or on any Park parking facility or area is prohibited. Parking areas are for use by vehicles or persons using the Parks or other Park Facilities. Parking areas shall not be used by persons not using the Parks or Park Facilities. Exceptions must be pre-authorized by the Village Board of the Village of Warwick.

15. Obstructing, impairing, burdening, damaging, altering or destroying the Parks, Park Facilities and property; disturbing, destroying, injuring, damaging or removing any property within the Parks, including, but not limited to, vegetation, wildlife, signs, equipment or facilities except as unavoidably impacted by normal minimal wear and tear resulting from authorized use of the Park or Park Facilities; erecting, displaying or affixing unauthorized signs, placards, bills or notices for any purpose whatsoever.

16. Selling, vending, or conducting or soliciting private business, commerce, or commercial transactions or for-profit activities on Park property or Park Facilities or Village owned land using same in pursuit thereof; using or renting for private profit or charging a private fee for the use of the Parks or Park facilities by any individual or group or entity, corporate or otherwise, for any purpose whatsoever.

17. Starting or maintaining a fire or open flame; operating a portable stove, grill or any other device for heating, cooking, or preparation of food without a special permit issued by the Village.

#### **§ 90-5. ALCOHOLIC BEVERAGES**

A. The use of alcohol is not permitted in any Village Park or Park Facilities without a special permit issued by the Village.

B. To obtain permission to allow alcohol as part of an event the following conditions must be met:

1. Approval of alcohol will only be issued to a bona fide group, club or business which has secured a special permit from the Village for use of the Park or Park Facilities for their event.

2. At the time of the request, applicants must submit a Certificate of Liquor Legal Liability Insurance Coverage. The certificate must name the Village of Warwick as an additional insured. Coverage must be in the amount of \$1,000,000 per occurrence/ \$2,000,000 aggregate.

#### **§ 90-6. MEMORIAL PARK- ROBERT NEWHARD, SR. SKATE PARK REGULATIONS.**

All Users of The Robert Newhard, Sr. Skate Park must adhere to and be in compliance with all rules and regulations pertaining to this chapter including;

A. General Rules- Robert Newhard, Sr. Skate Park

1. Children under 10 must be accompanied by an adult.

2. Pets are not allowed in the skatepark.

3. Motorized equipment is not permitted within the skatepark.

B. Protective equipment required:

1. Helmets are required for those under 14.

2. Elbow, knee pads, and wrist guards are strongly recommended.

C. All users of The Robert Newhard, Sr. Skate Park may not:

1. Ride, operate or use any device other than roller blades, skateboards, scooters, or BMX bikes.

2. Ride or operate devices unless that person is wearing an approved helmet and proper safety equipment, in good repair, at all times during use.

3. Place or utilize additional obstacles or other materials (including but not limited to ramps or jumps).

4. Ride, operate, or use roller blades or a skateboard before or after the posted hours of operation.

5. Fail to obey any rule or regulation posted on or near the skate park.

#### **§ 90-7 SPEED LIMIT IN MEMORIAL PARK**

Fifteen miles per hour is hereby established as the maximum speed at which vehicles may proceed on or along roadways in Memorial Park.

#### **§ 90-8 PENALTIES FOR OFFENSES**

Any person who violates any of the sections of Chapter 90 shall, for a first violation thereof, be liable for a civil penalty of not less than \$250 or more than \$400; for a second violation, both of which were committed within a period of 12 months, be liable for a civil penalty of not less than \$500 nor more than \$1,000; and for a third or subsequent violation, all of which were omitted within a period of 12 months, be liable for a civil penalty of not less than \$1,000 nor more than \$2,000. The continuation of an offense against the provision of this chapter shall constitute, for each day the offense is continued, a separate and distinct offense hereunder. "

(IV.) Village Code Chapter A150, entitled "Facility Use Permits" is hereby repealed and re-enacted to read as follows:

"Chapter A150

#### **Facility Use Permits**

##### **§ A150-1 Purpose.**

A. Facility Use Permits are required for any public assembly exceeding 200 people on Village Owned Parks, Village Owned Park Facilities, or Village Owned Land and for public assemblies less than 200 people seeking exclusive use of Parks, Park Facilities, or Village Owned Land.

B. Application for exclusive use of Village Owned Parks, Village Owned Park Facilities, or Village Owned Land for gatherings of less than 200 people should be made to the Village Clerk in writing using the Village of Warwick 'Facility Use Request Form' available in the Clerk's Office and on the village's website.

C. As set forth in Chapter 39, Assemblies, Public - Village Owned Property, the assemblies of persons in Parks, Park Facilities, and/or Village owned property where such assembly exceeds 200 people requires a 'Facility Use Permit Application for Gatherings Greater Than 200 People' that is available in the Clerk's Office and on the village's website.

D. Approval of requests will be at the discretion of the Village of Warwick Board of Trustees.

#### **§ A150-2 Fees; waivers.**

A. A fee as set forth in Chapter 63, Fees, shall be charged for use of the buildings or parkland or park facilities or Village owned property under certain circumstances as noted:

1. A fee will be charged for the use of the football/Over 35 field lights in Veterans Memorial Park.

2. A security deposit shall be made to the Village Clerk by all applicants to assure the cleanup of the buildings or parkland or park facilities or Village owned property and grounds after such use. Said deposit shall be refunded within 30 days, as confirmed by the Department of Public Works or the Police Department. Should any damage be done to the premises for which the cost to repair shall be in excess of said sum, then either the individual making application for said permit or the group which he represents or on whose behalf he signs, or both, may be held legally responsible for said excess.

3. An application fee will be charged for the submission of a 'Facility Use Permit Application for Gatherings Greater Than 200 People' for assemblies of persons in Parks, Park Facilities, and/or Village owned property where such assembly exceeds 200 people. The fee shall compensate the Village of its examination and processing of each application and shall not be refundable in whole or in part.

B. All required fees and security deposit shall be paid to the Village Clerk upon application.

C. The Village Board of Trustees, at its discretion, has the authority to waive facility use fees and/or security deposit fees.

**§ A150-3 Insurance requirements.**

Gatherings less than 200 people –

The applicant must post a certificate of insurance upon application that is in accordance with the insurance requirement as listed on the Facility Use Request application, including but not limited to naming the Village of Warwick as an additional insured, with a combined single-limit liability of not less than \$1,000,000. Said certificate of insurance shall be issued by an insurance company licensed to do business in the State of New York and shall be so worded to provide that said insurance is primary over all other valid and collectible insurance available to the Village and shall state that there shall be no exclusion from liability for injury to participants.

Gatherings greater than 200 people –

No permit shall be issued unless the applicant shall furnish the Village with a comprehensive liability insurance policy insuring the Village against liability for damage to persons or property with limits of not less than \$500,000/\$1,000,000 bodily injury or death, and limits of not less than \$500,000 for property damage, sufficient to save the Village harmless from any liability or cause of action which might arise by reason of the granting of the permit, and not cancellable without 10 days' prior written notice to the Village.

**§ A150-4 Requirements for person signing application.**

The Facility Use Request application shall be signed by a person of responsibility representing the organization, and the person must reside in the Town of Warwick.

**§ A150-5 Time limit for submission of application.**

Gatherings less than 200 people –

All facility Use Request applications for the use of Parks, park Facilities, or Village of Warwick owned property for assemblies of persons where such assembly is less than 200 people must be submitted to the Village Clerk at least

10 days prior to the desired Village Board meeting for which the application will go before the Village Board for approval.

Gatherings greater than 200 people –

All facility Use Request applications for the use of Parks, park Facilities, or Village of Warwick owned property for assemblies of persons where such assembly exceeds 200 people must be submitted to the Village Clerk at least 90 days prior to the desired Village Board meeting for which the application will go before the Village Board for approval.

**§ A150-6 Payment of fees and damages.**

All fees and damages shall be paid to the Village Clerk.

**§ A150-7 Responsibility for supervision and parking.**

Supervision and parking are the responsibility of the organization making the request. Parking must be limited to designated parking lots only. Parking is prohibited in non-designated parking areas without prior approval from the Village Board of Trustees.

**§ A150-8 Area of use limited to that stated on permit.**

This permit entitles the holder to only that portion of the park or buildings or Village owned land as stated on the permit.

**§ A150-9 Responsibility for cleanup.**

All permittees must remove all garbage from Parks, Park Facilities, and/or Village owned property when leaving the park. The cleanup time in certain areas of the park used for horse shows, carnivals, et., may be extended.

**§ A150-10 Enforcement; penalties for offenses.**

A. Any person who shall use, allow, let or permit to be used Village of Warwick owned property for the assembly of persons in the excess of 200, or shall use, allow, let or permit to be used Village of Warwick owned property for any part or portion of such assembly, which total assembly in the aggregate is in excess of 200 persons, or any person who shall cause the gathering, collecting or congregating of persons in excess of 200 on Village of Warwick owned property without first obtaining a written permit, in accordance with the provisions of this chapter, shall be deemed to have violated this chapter and committed a misdemeanor against the chapter and shall be liable for the penalties provided.



Any person who commits or permits any act in violation of any provision of this chapter shall be deemed to have violated this chapter and committed a misdemeanor against the chapter and shall be liable for the penalties provided.

B. For each violation of the provisions of this chapter, the person violating the same shall be subject to a fine of not more than \$1,000 nor less than \$100, or imprisonment not to exceed one year, or to both such fine and imprisonment.

C. In addition to the above-provided penalties, the Board of Trustees may maintain an action or proceeding in the name of the Village in a court of competent jurisdiction to compel compliance with this chapter or to restrain by injunction the violation of such chapter."

### Section 3. Severability:

If any part or provision of this local law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this local law or the application thereof to other persons or circumstances, and the Village Board of the Village of Warwick hereby declares that it would have passed this local law or the remainder thereof had such invalid application or invalid provision been apparent.

### Section 4. Effective Date:

This Local Law shall become effective upon filing with the Secretary of State of the State of New York subsequent to having been duly adopted by the Village Board.