

**CODE OF THE
CITY OF NEWBURGH
NEW YORK, v22
Updated 02-01-2004**

ARTICLE I, Public Places [Adopted 9-12-1988 by Ord. No. 19-88]

§ 110-1. Permit required; exemptions.

No person shall cause the gathering of in excess of 20 persons in any park owned by the City of Newburgh, at Newburgh Landing or on any lands, property, buildings or structures of the City of Newburgh for the purpose of any entertainment, carnival, circus, festival, assembly or other purpose without first obtaining a permit from the City of Newburgh. Gatherings organized under the supervision of the Parks and Recreation Department of the city or for the transaction of city business shall be exempt from this provision.

§ 110-2. Application for permit.

The application shall be made on a form to be provided by the city. It shall set forth the following information:

- A. The name and address of the person or organization seeking the permit.
- B. If the applicant is a corporation or association, the title of the individual completing the application and a list of the officers and directors of the applicant.
- C. The name of the person or persons in charge of organizing and conducting the event.
- D. The number of people to be present.
- E. The location requested to be used and the dates and hours requested for such use.
- F. Whether sanitary facilities, in addition to any present at the proposed location, will be provided.
- G. A certificate of liability insurance covering the event to be held and naming the City of Newburgh as an insured with limits of liability of at least \$1,000,000 for each occurrence and \$2,000,000 aggregate for bodily injury and \$50,000 for each occurrence and \$100,000 aggregate for property damage. In instances where, in the judgment of the City Manager, unusual risks of liability are present, he may require a sufficient additional amount of insurance to indemnify the city against the additional risk of loss. The policy must be written by a company authorized to do business in New York State and must be acceptable to the City Manager.
[Amended 5-14-1990 by Ord. No. 17-90; 5-10-1993 by Ord. No. 6-93]
- H. Whether live or recorded music shall be utilized at the event. [Added 10-13-1992 by Ord. No. 19-92]
- I. Whether the applicant(s) has previously sought permits for assemblies in public places and, if so, when and where. [Added 10-13-1992 by Ord. No. 19-92]
- J. Whether admission is to be charged. [Added 10-13-1992 by Ord. No. 19-92]
- K. A description of the nature of the event and the reason why public property is to be utilized. [Added 10-13-1992 by Ord. No. 19-92]

§ 110-3. Review of application.

The application required by § 110-2 must be filed with the office of the City Manager at least two weeks prior to the date on which the event is sought to be held. The application shall be reviewed by the Police Department, Fire Department and Parks and Recreation Department, each of which may recommend approval or disapproval. The Corporation Counsel shall review and approve or disapprove the form of the certificate of insurance. Upon all approvals as set forth above and upon payment of the required fees, the City Manager may approve the application and issue the permit, subject to such conditions as are imposed by this Article or in his discretion to protect the public health, safety, convenience and welfare.

§ 110-3.1. Restrictions on issuance of a permit. [Added 10-13-1992 by Ord. No. 19-92]

The City Manager shall refuse to issue a permit if, upon review of the application and investigation, he finds that:

- A. The applicant(s) has failed to comply with the conditions of permits issued to him in the past.
- B. The applicant(s) seeks to utilize a public street, sidewalk, park, playground or other public facility for a private event to which the general public is not invited to attend, participate in or view.
- C. The applicant(s) seeks to utilize a public street, sidewalk, park, playground or other public facility to the exclusion of the general public for a private purpose.
- D. The applicant(s) is not a bona fide not-for-profit or community organization who seeks to use a public street, sidewalk, park, playground or other public facility for private gain or private amusement to the exclusion and inconvenience of the general public.

§ 110-4. Fees. [Amended 3-27-1989 by Ord. No. 10-89]

- A. An applicant for a permit under this Article shall pay to the City of Newburgh, before a permit is issued, the fees provided in § 163-8D of this Code, provided that the City Manager may adjust the security fee established by § 163-8D(2) upward, based upon his estimate of the number of people that will be attending. Any overcharge may be returned to the applicant upon the completion of the event.
- B. The applicant may provide security for the assembly in lieu of police security. Such security must be provided in the ratio of one security person for each 500 anticipated attendees. The applicant must submit any such security plan with the application. The security plan is subject to the approval of the Chief of Police and the City Manager, and, if so approved, the applicant shall be exempt from the fee of \$55 per 500 anticipated attendees established by § 163-8D.

§ 110-5. Conditions of permit.

All persons holding any event under a permit issued under this article or which would be within this article although a permit was not obtained shall be responsible for the following:

- A. After the conclusion of an event, cleaning the area used for the event, removing all rubbish, trash, garbage and debris and returning said area to substantially the same condition it was prior to said event.
- B. Paying to the city the cost of repairing or replacing any city property damaged during the course of the event.
- C. During an event, the use of mechanical or electronic amplification equipment for the playing of music, speaking or other purposes shall be forbidden between the hours of 11:00 p.m. and 10:00 a.m. within 2,000 feet of any residence and shall be forbidden within 2,000 feet of any house of worship during the conducting therein of any worship service. All other municipal ordinances relating to noise shall also remain in full force and effect.