

## LEGAL NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the Town Board, Town of Poughkeepsie does hereby set **May 24, 2023 at 7:00pm** as the time, date and place of a public hearing to afford all interested parties an opportunity to be heard and seek public comment, in regard to the following:

A local law amending and renaming Chapter 76 currently entitled “Circuses and Carnivals” to the Town Code should be considered for adoption.

AND PLEASE ALSO TAKE FURTHER NOTICE that said proposed amendment is available in full with Exhibit to preview on our website @ <https://ny-poughkeepsietown.civicplus.com/300/Public-Hearings> or in person @ the Town Clerk’s Office, Monday – Friday, 8AM – 4PM.

Felicia Salvatore, Town Clerk  
Town of Poughkeepsie  
April 13, 2023

**RESOLUTION 4:12 - # 10 of 2023**

WHEREAS, the Town Board has received a recommendation from the Code Update Committee that a local law amending and renaming Chapter 76 of the Town Code, currently entitled "Circuses and Carnivals," should be considered for adoption; and

WHEREAS, the proposed local law is annexed hereto as Exhibit A and incorporated herein as if recited verbatim, and the Town Board does direct that said local law be spread across the record as if it, in fact, had been read verbatim; and

WHEREAS, this action to amend the Town Code is a Type II action under the New York State Environmental Quality Review Act (SEQRA), such that an Environmental Assessment Form (EAF) need not be prepared; and

WHEREAS, because the proposed action does not involve changes to Chapter 210, Zoning, of the Town Code, the Town Board has determined that the proposed code amendments do not require referral to the Dutchess County Department of Planning and Development or the Town Planning Board; and

WHEREAS, the amendments require a public hearing.

NOW, THEREFORE BE IT RESOLVED THAT:

1. The Town Board hereby determines that the proposed action is a Type II action pursuant to SEQRA, 6 NYCRR §617.5(c)(26) and (33), and no further environmental review is required; and
2. The Town Board hereby sets a public hearing on the proposed local law for May 24, 2023, at 7:00 PM, or as soon thereafter as the matter may come to be heard, in the Town Hall, One Overocker Road, Poughkeepsie, New York, and it directs the Town Clerk to post and publish notice of said public hearing.

Dated: April 12, 2023

Moved: Michael Citone

Seconded: Anne Burger

Motion passes/ fails: Ayes 6 Nays 0

JEN/mem  
t-4/4/2023  
m-4/12/2023

		AYE	NAY	ABSTAIN
<u>PRESENT/ABSENT</u>	Councilman Renihan	<u>absent</u>	_____	_____
<u>PRESENT/ABSENT</u>	Councilman Carlos	<u>✓</u>	_____	_____
<u>PRESENT/ABSENT</u>	Councilwoman Burger	<u>✓</u>	_____	_____
<u>PRESENT/ABSENT</u>	Councilman Cifone	<u>✓</u>	_____	_____
<u>PRESENT/ABSENT</u>	Councilman Krakower	<u>✓</u>	_____	_____
<u>PRESENT/ABSENT</u>	Councilwoman Shershin	<u>✓</u>	_____	_____
<u>PRESENT/ABSENT</u>	Supervisor Baisley	<u>✓</u>	_____	_____

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## *Local Law Filing*

NEW YORK STATE DEPARTMENT OF STATE  
162 WASHINGTON AVENUE  
ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

**TOWN OF POUGHKEEPSIE  
LOCAL LAW NO. \_\_ (PROPOSED) OF THE YEAR 2023**

**A LOCAL LAW TO AMEND CHAPTER 76 ENTITLED  
“CIRCUSES AND CARNIVALS”**

BE IT ENACTED by the Town Board of the Town of Poughkeepsie as follows:

### **SECTION 1. LEGISLATIVE INTENT**

This local law amends Chapter 76 to be known as “Community Events, Outdoor” for clarity and to ensure that the provisions of this chapter are consistent with Chapter 151 of the Town Code entitled “Peddling and Soliciting” and Chapter 114 entitled “Food Trucks.”

The proposed amendments to the Town Code are designed to protect the health, safety, and welfare of the public. The amendments are consistent with the recommendations of the Town's 2021 *Comprehensive Plan* and with “Greenway Connections: Greenway Compact Program and Guides for Dutchess County Communities” pursuant to Chapter 18 of the Town Code.

### **SECTION 2. APPLICATION**

This Local Law shall apply within the Town of Poughkeepsie.

### **SECTION 3. SEVERABILITY**

The invalidity of any word, section, clause, paragraph, sentence, part, or provision of this Local Law shall not affect the validity of any other part of this Local Law, which can be given effect without such part or parts.

### **SECTION 4. AMENDMENTS TO CHAPTER 76 OF THE CODE ENTITLED “CIRCUSES AND CARNIVALS”**

*Chapter 76 of the Code entitled “Circuses and Carnivals” is hereby amended by deleting it in its entirety and replacing it with a new Chapter 76 entitled “Community Events, Outdoor” to read as follows:*

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## CHAPTER 76 COMMUNITY EVENTS, OUTDOOR

### § 76-1 Purpose.

The purpose of this chapter is to establish permitting provisions for outdoor community events within the Town of Poughkeepsie, such as block parties, car shows, flea markets, parades, or farmers' markets, and to authorize the Town Board of the Town of Poughkeepsie to approve the issuance of a permit therefor.

### § 76-2 Legislative authority.

The authority for such provisions is set forth in the Municipal Home Rule of the State of New York, specifically Municipal Home Rule Law § 10(1)(ii)(a)(12).

### § 76-3 Permit required; term of permit.

- A. It shall be unlawful for any person, firm, corporation, association, or organization to conduct any outdoor community event within the Town of Poughkeepsie without first having obtained a permit for such purpose in accordance with the provisions of this chapter.
- B. The foregoing paragraph shall not apply to any outdoor community event sponsored solely by the Town of Poughkeepsie.
- C. The permit shall be valid for the duration of the event for which it was issued, unless sooner terminated or revoked.
- D. The provisions of this chapter shall not apply to garage sales or tent sales, which are regulated by § 210-72 of the Town Code.

### § 76-4 Application.

- A. An application for a permit for an outdoor community event shall be made to the Town Clerk who shall determine whether the application is complete, and shall promptly forward copies of the complete application to the Town Board. The application shall be made on a form provided by the Town, and shall be accompanied by a nonrefundable application fee in accordance with the Fee Schedule established by the Town Board.
- B. If the community event will be held on private property, the applicant shall submit written consent from the property owner authorizing the location of such event on the property.
- C. Any food truck participating in an outdoor community event shall first have obtained a food truck license from the Town Clerk pursuant to Chapter 114 of the Town Code, and a copy of all such licenses for participating food trucks shall be submitted with the application for an outdoor community event permit.
- D. An outdoor community event permit is not transferable to any other applicant or event.

### § 76-5 Permit fee; organizations exempt from permit fee.

- A. If the Town Board approves the application for an outdoor community event, the Town Clerk shall issue the permit following the payment of the required nonrefundable community event permit fee in accordance with the Fee Schedule established by the Town Board.
- B. The Town Clerk shall issue such permits free of charge to any charitable or not-for-profit association provided that adequate proof by affidavit shall be filed with the Town Clerk prior

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to issuance of the permit attesting that said organization is a duly organized not-for-profit and that said organization or another not-for-profit shall receive the proceeds from the event.

**§ 76-6 Types of outdoor community events.**

- A. Community event, short-term. The Town Board may by resolution authorize the issuance of a permit for a short-term outdoor community event in any zoning district for a designated date, time, and location approved by the Town Board for the purpose of a special event or public festival for a period not exceeding two (2) days, and not more than three events at the same location per year.
- B. Community event, seasonal. The Town Board may by resolution authorize the issuance of a permit for a seasonal outdoor community event that is not classified as a short-term event, such as a recurring farmers' market, the sale of Christmas trees, or other events associated with a season or a long-term cultural event, for a designated location on private property and for designated dates and times approved by the Town Board, subject to the following:
  - (1) Such events shall be permitted as an accessory use to a non-residential use in the following classes of districts as set forth in § 210-10 of the Town Code: Center and Hamlet Districts, and Business and Commercial Districts.
  - (2) The applicant shall provide a sketch plan sufficient to indicate that all structures associated with the event shall be sited in a location that does not obstruct or interfere with the free flow of pedestrian or vehicular traffic, does not restrict visibility at any driveway or intersection, and does not block fire lanes or access roads for emergency vehicles.

**§ 76-7 Insurance requirements.**

No permit shall be issued until the applicant has provided proof of insurance or a surety bond in favor of the Town of Poughkeepsie insuring the Town against any claim for liability, in form and amount acceptable to the Town Attorney.

**§ 76-8 Signage**

All signs associated with the Community Event shall comply with § 210-120 of the Town Code, "Temporary Signs."

**§ 76-9 Enforcement and Penalties.**

- A. Violations of this chapter may be enforced by the Zoning Administrator, the Building Inspector, any law enforcement agency that has jurisdiction in the Town of Poughkeepsie, or their duly authorized representatives.
- B. The individuals identified in Subsection A are authorized to issue appearance tickets as defined in § 150.10 of the Criminal Procedure Law, and to prosecute the violation in Court, and are authorized to issue orders to remedy and notices of violation, to enforce the provisions of this chapter.
- C. Each occurrence or incident shall constitute a separate offense. If a violation continues for more than a 24-hour period, each day shall constitute a separate offense.
- D. A violation of this chapter or any part thereof shall constitute an offense punishable as follows:
  - (1) By a civil penalty

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- (a) not to exceed \$500 for a first offense;
  - (b) not to exceed \$1,000 for a second offense; and
  - (c) not to exceed \$1,500 for any subsequent offense; and/or
- (2) By a fine
- (a) not to exceed \$1,000 for a first offense;
  - (b) not to exceed \$1,500 for a second offense; and
  - (c) not to exceed \$2,500 for any subsequent offense; and/or
- (3) By imprisonment for a term of not more than fifteen (15) days; and/or
- (4) By any combination thereof.

#### SECTION 4. EFFECTIVE DATE

This local law shall take effect immediately after it is filed with the Secretary of State as provided in section twenty-seven of the Municipal Home Rule Law.