

TOWN OF WOODBURY

INTRODUCTORY LOCAL LAW NO. ____ OF 2021

**A LOCAL LAW REPEALING AND REPLACING CHAPTER
221 OF THE TOWN CODE OF THE TOWN OF WOODBURY,
NEW YORK ENTITLED “PARADES AND MOTORCADES”**

Be it enacted by the Town Board of Woodbury, County of Orange, State of New York, as follows:

Section 1. Title. This local law shall be referred to as “**A Local Law Repealing and Replacing § 221 of the Town of Woodbury Code, Entitled Parades and Motorcades.**”

Section 2. Amendments.

Chapter 221 shall be and hereby is repealed in its entirety and replaced with the following:

“§ 221-1 Definitions.

Whenever used in this chapter, unless a different meaning clearly appears from the context or unless a different meaning is stated in a definition applicable to only a portion of this chapter, the following terms shall have the meanings indicated:

MOTORCADE

An organized procession containing 10 or more vehicles, except funeral processions, upon any public street or sidewalk.

PARADE

Any march or procession consisting of 10 or more people, animals or vehicles, or combination thereof, except funeral processions, upon any public street or sidewalk, which does not comply with normal and usual traffic regulations or controls.

PERSON

Any individual, firm, partnership, association or corporation other than the town and a public corporation.

TOWN

The Town of Woodbury.

§ 221-2 Prohibited acts.

- A. It shall be unlawful for any person to conduct a parade or motorcade in or upon any public street or sidewalk in the town or to knowingly participate in any such parade or motorcade unless and until a permit to conduct such parade or motorcade has been obtained from the Town Board.
- B. No permit shall be issued authorizing the conduct of a parade or motorcade which the Town Board finds is proposed to be held for the sole purpose of advertising any product, goods, wares, merchandise or event and is designed to be held purely for private profit.
- C. No person shall knowingly join or participate in any parade or motorcade conducted under permit from the Town Board in violation of any of the terms of said permit nor knowingly join or participate in any permitted parade or motorcade without the consent and over the objection of the permittee nor in any manner interfere with its progress or orderly conduct.

§ 221-3 Application for permit.

Any person who wants to conduct a parade or motorcade shall apply to the Town Board for a permit at least 30 days in advance of the date of the proposed parade or motorcade. The Town Board may, in its discretion, consider any application for a permit to conduct a parade or motorcade which is filed less than 30 days prior to the date such parade or motorcade is to be conducted. The application for such permit shall be made in writing on a form approved by the Town Board.

In order to ensure that adequate arrangements may be made for the proper policing of the parade or motorcade, the application shall contain the following information:

- A. The name of the applicant, the sponsoring organization, the parade or motorcade chairman and the addresses and telephone numbers of each.
- B. The purpose of the parade or motorcade, the date when it is proposed to be conducted, the location of the assembly area, the location of the disbanding area, the route to be traveled and the approximate time when the parade or motorcade will assemble, start and terminate.
- C. A description of the individual floats, marching units, vehicles and bands, including a description of any sound amplification equipment to be used.
- D. Each application shall be accompanied by the required application fee, as may be set by the Town Board from time to time, and the execution of an insurance/indemnification/escrow agreement sufficient to cover the Town's actual costs in facilitating all privately-organized parades or motorcades within the town.
- E. Such other information as the Town Board may deem reasonably necessary.

§ 221-4 Approval or denial of permit.

In determining whether or not the Town Board will approve a parade or motorcade permit, the Board may consider, among other things, whether:

- A. The time, route and size of the parade or motorcade will disrupt to an unreasonable extent the movement of other traffic.
- B. The parade or motorcade is of a size or nature that requires the diversion of so great a number of police officers of the Town to properly police the line of movement and the areas contiguous thereto that allowing the parade or motorcade would deny reasonable police protection to the town.
- C. Such parade or motorcade will interfere with another parade or motorcade for which a permit has been issued.
- D. The information contained in the application is found to be false or nonexistent in any material detail.
- E. The applicant refuses to agree to abide by or comply with all conditions of the permit.

§ 221-5 Contents of permit.

The Town Board, in approving a permit for a parade or motorcade, shall specify the following:

- A. The assembly area and time therefor.
- B. The starting time.
- C. The minimum and maximum speeds.
- D. The route of the parade or motorcade.
- E. What portions of streets to be traversed may be occupied by such parade or motorcade.
- F. The maximum number of platoons or units and the maximum and minimum intervals of space to be maintained between the units of such parade or motorcade.
- G. The maximum length of such parade or motorcade in miles or fractions thereof.
- H. The disbanding area and disbanding time.
- I. The number of persons required to monitor the parade or motorcade.
- J. The number and type of vehicles, if any.

- K. The material and maximum size of any sign, banner, placard or carrying device therefor.
- L. That the materials used in the construction of floats used in any parade shall be of fire-retardant materials.
- M. That the permittee shall advise all participants in the parade or motorcade, either orally or by written notice, of the terms and conditions of the permit prior to the commencement of such parade or motorcade.
- N. That the amplification of sound permitted to be emitted from sound trucks or bullhorns shall be fixed and not variable.
- O. That the parade or motorcade shall continue to move at a fixed rate of speed and that any willful delay or willful stopping of said parade or motorcade, except when reasonably required for the safe and orderly conduct of the parade or motorcade, shall constitute a violation of the permit.
- P. Such other requirements as are found by the Town Board to be reasonably necessary for the protection of persons or property.

§ 221-6 Issuance of permit by Town Clerk.

Upon the approval of a permit by the Town Board, the Town Clerk shall review the application to ensure that it is complete, containing payment of fees and escrow funds, that any required agreements and proof of insurance have been provided, and that any other requirements imposed by the Town Board have been met. If the application is determined to be complete, the Town Clerk shall issue a permit.

§ 221-7 Revocation of permit.

Any permit for a parade or motorcade issued pursuant to this chapter may be summarily revoked by the Town Board or Chief of Police at any time when, by reason of disaster, public calamity, riot or other emergency, the Town Board or Chief of Police determines that the safety of the public or property requires such revocation. Notice of such action revoking a permit shall be delivered in writing to the permittee by personal service or by certified mail.

§ 221-8 Penalties for offenses.

- A. A violation of this chapter shall constitute a traffic infraction, and any person violating this chapter shall be liable to a fine of not more than \$250 or to imprisonment for not more than 15 days, or both, for each such violation.
- B. A violation of this chapter shall also be considered a violation of the Penal Law, § 240.20, and any person violating this chapter shall also be liable to a fine of \$250 or to imprisonment for not more than 15 days, or both, for each such violation.”

Section 3. Separability

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 Town Board of the Town of Woodbury hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

Section 3. Repeal

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed.

Section 4. Effective Date

This Local Law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.