



PUBLIC SAFETY COMMITTEE

2300 Elmwood Avenue - Rochester, New York 14618
(585) 784-5220 / Fax (585) 784-5207

*Councilmember - Christopher Werner, Chairperson
Councilmember Nate Salzman Co-Chairperson*

AGENDA The Town of Brighton Public Safety Committee will convene on Tuesday May 14, 2024, at 08:00 hrs. in the Auditorium, Brighton Town Hall, 2300 Elmwood Avenue, Rochester, New York 14618.

MEETING CALLED TO ORDER:

APPROVAL OF AGENDA:

APPROVAL OF MINUTES: Receive and file minutes of the Tuesday April 9, 2024 meeting.

COMMUNICATIONS:

OPEN FORUM:

NETWORKING:

- ❖ Brighton Ambulance
- ❖ Brighton Fire
- ❖ Brighton DPW
- ❖ Brighton Police
- ❖ Henrietta Fire District
- ❖ Town Council

OLD BUSINESS:

RE MATTER: Update- Naloxone Cabinets in Town Parks and Town Hall. Monroe County (NaloxBox program) – Werner **RE MATTER: Update** – Proposed Crosswalk Policy Adoption - Highland Avenue: @ Grosvenor Road, Pelham Road, and Council Rock Avenue

RE MATTER: Update - Traffic signal at North Landing and Blossom Roads.

RE MATTER: Crosswalk Penfield Road – Werner

NEW BUSINESS

RE MATTER: - Proposed local law to amend Chapter 113 of the Town Code with respect to demonstration and special event permits in Town parks.

SET TIME AND DATE OF NEXT MEETING: Tuesday June 11, 2024 @ 0800 Hours

[PROPOSED] LOCAL LAW NO. [2] OF 2024

**A LOCAL LAW TO AMEND CHAPTER 113 OF THE CODE
OF THE TOWN OF BRIGHTON**

BE IT ENACTED by the Town Board of the Town of Brighton, Monroe County, New York, as follows:

Section 1. Preamble; Legislative Intent.

The right to peacefully assemble or demonstrate is afforded to all persons and is protected by the First Amendment of the United States Constitution and Article I, Sections 8 and 9 of the New York State Constitution. However, content-neutral time, place, and manner restrictions may reasonably limit free expression in order to protect a significant governmental interest. These gatherings and demonstrations, when combined with pedestrian bystanders and motor vehicles simultaneously using the area, in the absence of advance notice to the Town may obstruct and impede the flow of traffic on the public roadways and driveways at or around parks. The Town Board finds that the Town has a significant and important governmental interest in preserving public peace and good order on lands operated as public parks in the Town of Brighton and safeguarding public health, safety, and enjoyment of users of Town parkland and surrounding public property from obstruction, interference, or threats of physical harm. The Town Board further finds that it also has a significant and important governmental interest in ensuring the safety of gatherers, demonstrators, pedestrian bystanders, and motor vehicle users in high traffic areas of the Town.

The purpose of this local law is to protect the health, safety, and welfare of users of public parks and the surrounding areas by amending Chapter 113 of the Town Code of the Town of Brighton (the “Town Code”) governing parks in the Town by requiring certain demonstrations and special events to obtain a permit from the Town Commissioner of Public Works, without unreasonably restricting the expressive activity of any gatherings, demonstrations, or large assemblies of individuals, regardless of their identity or the content of their speech.

Section 2. Definitions.

Section 113-2 of Chapter 113 of the Town Code is hereby amended to add the following definitions:

DEMONSTRATION

A group activity, including but not limited to, a meeting, assembly, protest, rally, march, or vigil which involves the expression of views or grievances, involving more than **XX** people or a group activity involving less than **XX** people for which specific space is requested to be reserved.

SPECIAL EVENT

A group activity, including but not limited to, a performance, meeting, assembly, ceremony, parade, athletic competition, reading, or picnic involving more than **XX**

people or a group activity involving less than **XX** people for which specific space is requested to be reserved.

Section 3. Permits required for certain activities; issuance of permits.

Section 113-4 of the Town Code is hereby amended by adding the following subsection (F):

“F. Permits for a Demonstration or Special Event.

- (1) Applications for a Special Event permit must be received at least **XX** days prior to the request date for the Special Event. Applications for a Demonstration permit must be received at least **XX** days prior to the requested date for the demonstration. Notwithstanding the foregoing, the Commissioner of Public Works, or such other office as the Commissioner of Public Works may determine, will accept applications for Demonstrations whenever submitted and process such applications as soon as it is feasible to do so, considering the magnitude of the event and the resources of the Commissioner.
- (2) Upon receipt of such application, the Commissioner of Public Works, or such other office as the Commissioner of Public Works may determine, shall refer same to the Brighton Chief of Police for review as may be necessary to ensure the protection of public health, safety, and welfare.
- (3) The Commissioner of Public Works, or such other office as the Commissioner of Public Works may determine, may deny a permit if: (i) the location sought is not suitable because of environmental conditions reasonably likely to be harmed by the proposed event; (ii) the location sought is not suitable because the proposed Demonstration or Special Event is of such nature or duration that it cannot be reasonably accommodated in the requested location; (iii) the date and/or time requested has been previously allotted by permit; (iv) the Demonstration or Special Event would conflict with previously planned programs organized and/or conducted by the Town; (v) the Demonstration or Special Event would unreasonably interfere with the use and enjoyment of the park by other users; (vi) the intended use or activity is unlawful, or would endanger the health and safety of surrounding persons; (vii) there are not significant Town resources available at the time of the proposed Demonstration or Special Event to mitigate disruption and/or the diversion of police protection would deny reasonable police protection to the Town; (viii) if the permit application contains a material falsehood or misrepresentation; or (ix) within the preceding two years, the applicant has been granted a permit and did, on that prior occasion, knowingly violate a material term or condition of the permit, or any law, ordinance, state or regulation relating to the use of parks. Notwithstanding the foregoing, if a permit has been denied pursuant to this subparagraph (3), the Commissioner of Public Works shall employ reasonable efforts to offer the applicant suitable alternative locations and/or times and/or dates for the proposed Demonstration or Special Event.

- (4) All permit applications will be processed on a “first come, first serve” basis; provided that if two or more permit applicants request the same date and the same location, and one or more of such applicants held a permit for such location in the calendar year immediately preceding the calendar year for which such permit is now sought, the permit application from the applicant who has not previously held a permit shall be first eligible for approval.
- (5) In the event a permit application is denied, the applicant may appeal the determination by written request filed with the Town Supervisor, who may reverse, affirm, or modify the original determination and provide a written explanation of the decision. If a permit application is denied more than 10 days prior to the proposed event, the applicant shall have 3 days from the date such denial is delivered to the applicant to appeal such denial. The Town Supervisor shall render a decision on such appeal within 5 days of receipt of such appeal. If a permit application is denied less than 10 days prior to the proposed event, the applicant shall have 1 day from the date such denial is delivered to the applicant to appeal such denial. The Town Supervisor shall render a decision on such appeal as soon as is reasonably practicable.
- (6) Permittees must have the Demonstration or Special Events permit in their possession at the time and site of the event.
- (7) More than one Demonstration or Special Event permit may not be issued for any park for the same date and time, except for Buckland Park, Meridian Centre Park, and Brighton Town Park.
- (8) No Demonstration or Special Event Permit shall be issued when parks are closed under Section 113-3.”
- (9) Notwithstanding subsection 113-4(E), no fees shall be charged for a Demonstration permit.

Section 4. Certain acts prohibited without written permission

Subsection 113-6(B) of the Town Code is hereby deleted in its entirety and replaced with the following:

“B. Hold any Demonstration or Special Event; conduct any funeral procession or vehicle containing the body of a deceased person; or use any loudspeaker or other sound-amplifying equipment.”

Section 5. General regulations.

- A. Subsection 113-7(A) of the Town Code is hereby amended by adding the following paragraphs (8):

(8) No person shall by force or threat of force, or by physically obstructing or blocking, knowingly injure, or interfere with, or attempt to injure, or interfere with, another person using a park or any walkway or sidewalk adjoining or adjacent to a park. For purposes of this paragraph, "interfere with" shall mean to stop or to restrict a person's freedom of movement, or to stop, obstruct, or prevent, through deceptive means or otherwise.

Section 6. No Endorsement by Town.

The enforcement of this local law by the Town shall in no way be considered an endorsement or any expression of support, disagreement or any position or opinion on behalf of the Town whatsoever with respect to the activities, policies, opinions, positions, precepts or other aspects of the individuals organizing, sponsoring, holding or participating in a demonstration.

Section 7. Conflict with Other Provisions.

When the requirements or restrictions imposed by this local law conflict with the requirements or restrictions imposed by other laws, ordinances, codes, rules or regulations, the more prescriptive requirement or restriction, respectively, shall prevail.

Section 8. Severability.

If any clause, sentence, paragraph, section, article or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section, article or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 9. Effective Date.

This local law shall go into effect immediately upon filing with the New York State Secretary of State.