

Village of Montebello
1 Montebello Road
Montebello, NY 10901
(945) 368-2211

APPLICATION REQUEST FOR APPROVAL OF A PARADE OR PROCESSION

All information must be filled out (and referenced attachments supplied)

Sponsoring Organization Name: _____

Address: _____

Contact Name: _____

Address: _____

Event Assisting Organization Name (if any) _____

Address: _____

Contact Name: _____

Contact Person Phone: _____ Email: _____

Date of Event: _____ Rain Date (if any): _____

Start Time of Event: _____ Duration of Event: _____

Location of Event (include exact route to be traveled, staging areas, starting point, termination point, & assembly areas if any).

Nature and Purpose of Event: (attach additional sheets if necessary)

Marching Groups / Organization

Approximate number of marchers: _____

Number of Floats: _____

Number of Vehicles: _____

All vehicles and floats must be registered prior to the event with the New York State Department of Motor Vehicles. All drivers MUST POSSESS THE NECESSARY OPERATOR'S LICENSE AND INSURANCE required by NYS Law for the type of vehicle driven. All groups with a vehicle or float must provide 2 volunteer marshals for each registered vehicle. No more than 10 persons may ride on any one float. A list of vehicles and floats providing valid license plate numbers, drivers, and marshals MUST BE provided to Village Hall with this application.

The Village of Montebello reserves the right to refuse entry of any vehicle or float deemed unsafe or a public hazard.

Waiver and Indemnification

I/We _____, officers or representatives of _____ (name of each group) accept full responsibility for our groups' involvement in the above-mentioned event. I/We agree to hold harmless and defend the Village of Montebello, its officers, staff, committees, agents, elected officials and representatives for any civil or criminal liabilities that might result or be alleged to have resulted, including for property loss or personal injury, from the operation of this event. I/We also agree to indemnify and hold harmless the Village of Montebello, etc. in connection with any costs incurred by the Village in connection with the event.

I/We acknowledge that we have read and understand and will comply with the Village of Montebello Noise Ordinance, Chapter 118 _____ (initial) *[This allows our residents quiet enjoyment and to be free of unreasonable noise in their homes.]*

I/We acknowledge that we have read and understand and will comply with the Village of Montebello Sign Law, Chapter 143 _____ (initial) *[Only signs enumerated thereon are permitted, and usage for a parade, etc., is not listed. Thus, signs are entirely within the discretion of the Village. If applicant intends to utilize signage enroute, or at start or finish it must submit a Sign Plan depicting and dimensioning said sizes, including materials and color, and signs shall explain the event, and are for no other purpose. Signs shall be understandable to the public at large; they shall be limited in size and should inform non- participants too. Any non-English verbiage must be repeated in English in at least equal size.]*

I/We acknowledge and have provided proof of Commercial General Liability insurance from the sponsoring organization of at least \$1,000,000 per occurrence, listing the Village of Montebello – 1 Montebello Road – Montebello, NY 10901, as ADDITIONALLY INSURED. This must be received with this application and the Certificate must also state that 10 (ten) days advance notice of cancellation will be supplied. _____ (initial) *(attach proof)*

I/We acknowledge that the organization has contacted the Town of Ramapo Police Department. _____ (initial)
and Sheriff's Department (if on a county road) and so directed by Rockland County Highway Department. _____
(initial) (attach proof)

NOTICE: The event shall be conducted in a reasonable way so as to fairly convey the applicant's message while minimizing any negative impact upon the community. Any concern for public safety and/or peace and good order during the event can result in an order from the Village or law enforcement personnel, in their judgement, to cease and desist the offending activity or to end the overall event, and to disperse in an orderly fashion. Given the small size, narrow, twisting roads, and how readily sound travels within the Village, the Village Board reserves the right to deny altogether or to condition any and all approvals for a parade or procession. Further, for the same reason, no more than one such event per month shall be permitted and in deciding amongst pending applications which may exceed this total, the Village Board can and may consider: 1) whether the applicant is Village based; and 2) date and time and completeness of application; and 3) as a positive, whether the applicant claims a desire to counter a message projected by a prior event; and 4) as a negative, whether the applicant has sponsored a recent event (within the past year); and 5) at all times, whether the event is likely to be upsetting to the community at large and likely to invoke controversy, in which case the event may not be permitted, or at least if permitted may be conditioned so as to minimize upset to the community at large and maximizing safety.

Signature _____ Title _____ Date: _____

VILLAGE USE:

Event approved _____ Event disapproved _____

Signature _____ Title _____ Date: _____

Conditions (if any)

NOTE: The Village has the right to change the route or deny the permit based upon the answers to the questionnaire in the interest of public safety. Without the fully completed questionnaire and attachments on a timely basis, the event cannot occur.

Attachments: Appendix A: Chapter 118 of Village Code

Appendix B: Chapter 143 of Village Code

CHAPTER 118

UNREASONABLE NOISE

Any excessive or unusually loud sound or any sound which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of a reasonable person of normal sensitivities or which causes injury to animal life or damage to property or business. Standards to be considered in determining whether an unreasonable noise exists in a given situation include but are not limited to the following:

- (1) The volume of the noise.
- (2) The intensity of the noise.
- (3) Whether the nature of the noise is usual or unusual.
- (4) Whether the origin of the noise is usual or unusual.
- (5) The volume and intensity of the background noise, if any.
- (6) The proximity of the noise to residential sleeping facilities.
- (7) The nature and the zoning district of the areas within which the noise emanates.
- (8) The time of the day or night the noise occurs.
- (9) The time duration of the noise.
- (10) Whether the sound source is temporary.
- (11) Whether the noise is continuous or impulsive.
- (12) Plainly audible sound.

[Added 3-21-2012 by L.L. No. 1-2012]

(a) Sound from a sound production device which is plainly audible, within the residence of a complainant, with the windows closed.

(b) A Village representative's corroboration is necessary to proving a violation of Subsection (12)(a). The Village representative, before concluding that such violation has occurred, shall attempt to address the problem by requesting that the person or persons controlling the sound production device cease producing the sound, turn same off, eliminating same, or lower same to a level that is below the plainly audible threshold. There shall be a presumption that the sound was being generated expressly to annoy and harass the complainant, or with indifference, and a prosecution shall ensue if said person or persons refuse to abate the sound; should the representative find no one at the premises

despite the sound being emanated; if the person controlling the sound production device abates the sound at the direction of the representative and subsequently increases the sound levels upon the representative's departure; or if a violation of Subsection **(12)(a)** is

determined for a third time in any twelve-month period irrespective of the cooperation of the person or persons controlling the sound production device. Upon prosecution, the charged party may attempt to raise as a defense that circumstances beyond his or her control caused the generation of unattended plainly audible sound.

§ 118-4 **Prohibited acts.**

No person shall make, continue or cause or suffer to be made or continued any unreasonable noise as defined in § **118-3B** hereof. In particular, without limitation of the foregoing provision of this section, the following enumerated acts are declared to be in violation of this section.

A. Animals. No person shall keep, permit or maintain any animal under his control which frequently or for continued duration makes sounds which create an unreasonable noise across a residential real property boundary. This provision shall not apply to veterinarian facilities.

B. Commercial, business and industrial operation. No person shall operate or permit to be operated on a sound source site a commercial business or industrial operation that produces an unreasonable sound level.

C. Construction.

(1) No person shall operate or permit to be operated any tools, machinery or equipment used in construction, drilling or demolition work:

(a) Between sunset and 8:00 a.m. the following day on weekdays or at any time on Sunday or legal holidays, such that the sound therefrom creates an unreasonable noise across a residential real property boundary.

[Amended 6-22-2005 by L.L. No. 4-2005]

(b) At any other time such that the sound level at or across a real property boundary exceeds an L-10 of 60 dB(A) for the daily period of operation.

(2) The provisions of this subsection shall not apply to emergency work.

D. Domestic power tools. No person shall operate or permit the operation of any mechanically powered saw, sander, drill, grinder, lawn or garden tool, snowblower or similar device used outdoors in residential areas between the hours of 10:00 p.m. and 8:00 a.m. of the following day, so as to cause an unreasonable noise across a residential real property boundary.

E. Explosives and similar devices. No person shall use or fire explosives or similar devices which create impulsive sounds so as to cause an unreasonable noise across a real property boundary.

[Amended 6-22-2005 by L.L. No. 4-2005]

F. Horns and signaling devices. No person shall cause or permit to be caused the sounding of any horn or other auditory signaling device on or in any motor vehicle except to serve as a danger warning.

G. Motor vehicle repairs and testing. No person shall repair, rebuild, modify or test any motor vehicle in such a manner as to cause an unreasonable noise across a residential real property boundary or within a noise sensitive zone.

H. Mufflers. No person shall discharge into the open air the exhaust of any steam engine, stationary internal-combustion engine, air-compressor equipment, motor vehicle or other power device, which is not equipped with an adequate muffler in constant operation and properly maintained to prevent any unreasonable noise or noise disturbance, and no such muffler or exhaust system shall be modified or used with a cutoff, bypass or similar device which causes said engines, vehicles or other power devices to create an unreasonable noise.

I. Noise sensitive zones. No person shall cause or permit the creation of any sound by means of any device or otherwise on any sidewalk, street or public place adjacent to any hospital, nursing home, school, court, house of worship or public library while such facility is in use at any time, so that such sound disrupts the normal activities conducted at such facilities or disturbs or annoys persons making use of such facilities.

J. Sound production devices.

[Amended 3-21-2012 by L.L. No. 1-2012]

(1) No person shall operate or cause to be operated a sound production device that produces an unreasonable noise or noise disturbance across a real property boundary between the hours of 11:00 p.m. and 8:00 a.m. the following day or within a noise sensitive zone.

(2) No person shall operate or use or cause to be operated or used any sound production device in any public place in such a manner that the sound emanating therefrom creates an unreasonable noise across a real property boundary, as more particularly set forth in § **118-3B**, Subsection (12)(a) through (b), above.^{III}

[1] *Editor's Note: See § **118-3**, Definitions, Subsection **B**, under the definition of "unreasonable noise," Subsection (12)(a) and (b).*

(3) This section shall not apply to any person participating in a school band or in a parade, or sounds emanating from sporting, entertainment or other public events where such devices are used.

K. Trucks. No person shall load any garbage or trash on a compactor truck, or any other truck, whereby the loading, unloading or handling of boxes, crates, equipment or other objects is conducted within a residential district nor within 300 feet of any hotel or motel between the hours of 10:00 p.m. and 6:00 a.m. the following day.

[Amended 6-22-2005 by L.L. No. 4-2005]

§ 118-7**Enforcement.** The enforcement of these rules and regulations will be by Police Department personnel, other duly authorized personnel or by any other special personnel as may be from time to time authorized by the Village Board.

CHAPTER 143

§ 143-4 **Exempt signs.**

The following types of signs may be erected and maintained without permits or fees, providing such signs comply with the general requirements of this chapter and other conditions specifically imposed by the regulations:

A. Historical markers, tablets and statues, memorial signs and plaques; names of buildings and dates of erection when cut into any masonry surface or when constructed of bronze, stainless steel, or similar material; not exceeding four square feet.

B. Flags and insignia of any government, except when displayed as an integral part of a sign or commercial message.

C. On-premises directional signs for the convenience of the general public, identifying public parking areas, fire zones, entrances and exits and similar signs, as shown on an approved site development plan, or signs installed pursuant to order of traffic control agencies, including the New York State Thruway Authority, the New York State Department of Transportation and the Rockland County Highway Department, and shall conform to the Manual of Uniform Traffic Control Devices (MUTCD), New York State Department of Transportation.

D. Nonilluminated warning, private drive, posted or no trespassing signs; not exceeding two square feet per face and not more than one sign per 100 feet of street frontage.

E. One announcement sign for any home professional office or home occupation, as permitted by § **195-82A**, provided that the home professional office or home occupation is approved as required by § **195-82**.

F. One announcement sign containing a number and nameplate identifying residence, mounted in the lawn or on the house or mailbox, not exceeding one square foot in area and set back at least 10 feet from the edge of the road pavement if not on the mailbox. Where illuminated, such signs shall be indirectly illuminated by a constant light, and the light source should not be visible.

G. Farmers-market-type signs or other temporary recurring signs, subject to size limitation of the zoning district in which located, nonilluminated. One permit is necessary for the entire season or event cycle, but not to exceed 10 months. The date of installation shall be shown on the sign.

H. On-premises sign advertising merchandise for sale (such as garage sale, tag sale, auction, etc.). Such sign shall not exceed four square feet in area and shall not be in place for a period of more than seven days. The date of installation shall be shown on the plan. Temporary signs advertising merchandise for sale in or upon the premises where such temporary signs are displayed shall be exempt from the permit and security deposit provisions of this chapter. This provision does not apply to commercial establishments or to persons regularly engaged in the sale of merchandise.

I. Temporary advisory signs. See the definition of "sign, temporary advisory."^[1]

[1]Editor's Note: See § 143-16, Definitions.

J. In the NS District, temporary window signs and posters placed on the interior side of the window and not exceeding a total area of 15% of the window surface. See § **143-10H** for additional provisions.

K. One sign, not exceeding six square feet in sign area in residential districts or 16 square feet in sign area in nonresidential districts, listing the architect, engineer, contractor, financing institution, builder and/or owner(s), on premises where construction, renovation, or repair is in progress; said sign must be set back at least 15 feet from edge of pavement but shall not be within the designated street lines; said signs shall be removed upon occupancy of the structure or 30 days following issuance of a certificate of occupancy, whichever occurs first. Where the contractor's work does not involve a certificate of occupancy or reoccupancy, the sign shall be removed within 30 days of completion of work. The date of sign installation shall be located on the sign.

L. Building permit, stop-work order and similar Village-issued signs.

M. Public interest, property protection, or advisory signs shall be exempt from the security deposit provisions of this chapter but from no other provisions hereof.

N. On residentially zoned properties, temporary nonilluminated For Sale or For Rent signs, not exceeding four square feet in area, not more than one sign per 100 feet of street frontage, located at least 15 feet from the edge of road pavement. Such signs shall be promptly removed when property is sold or rented.

O. On nonresidentially zoned properties, nonilluminated For Sale or For Rent signs, not to exceed 15 square feet in area (total of all signs), located at least 10 feet from the edge of road pavement. One such sign may be provided on each street frontage, except that each 500 feet of frontage shall be considered an additional frontage. Each sign shall be promptly removed when premises are sold or rented. Sign size shall be limited to 50% greater area than permanent freestanding or monument signs in the zoning district.

P. Safety precautionary signs. See the definition of "sign, safety precautionary."^[2]

[2]

Editor's Note: See § 143-16, Definitions.

§ 143-5 Permitted and prohibited signs.

Any signs not expressly permitted by this chapter are prohibited.

A. Permitted signs. In addition to exempt signs as set forth in § **143-4**, the following signs are expressly permitted by this chapter, subject to the requirements of this chapter:

(1) Announcement signs.

- (2) Business identification signs.
 - (3) Directional signs, on premises, provided that same are erected on the same premises as the activity, business or event to which they relate. Directional signs, off-premises, on public roads and rights-of-way.
 - (4) Directory signs.
 - (5) Freestanding signs.
 - (6) Illuminated signs.
 - (7) Public interest signs.
 - (8) Representational signs, subject to Planning Board approval.
 - (9) Temporary signs, including political signs; provided, however, that such signs may not be illuminated.
 - (10) Wall signs. The sign wall area in all districts shall be derived by measurement or by utilizing an assumed building height of 15 feet for one-story buildings and 25 feet for two-story buildings, whichever is less.
 - (11) Window signs, projecting signs and awning signs, but only in an NS Zone.
- B.** Prohibited signs include, but are not limited to, the following sign types:
- (1) Flashing signs, including any sign or device on which the artificial light is not maintained stationary and constant in intensity and color at all times when in use, except to show time and temperature. Signs with a sequence of messages of short duration (copy-change signs) shall be considered to be flashing signs.
 - (2) Off-premises signs.
 - (3) Signs referencing or depicting to any degree official traffic signs or signals or signs suggesting endorsement by or representation of a governmental agency.
 - (4) Signs which emit noise, sounds or smoke, including audio signs.
 - (5) Animated signs, whether by mechanical or electrical processes, including signs with banners, streamers, spinners or other paraphernalia attached to or associated with such signs.
 - (6) Signs advertising businesses, commodities or services for any unlawful business or undertaking.
 - (7) Signs of a prurient nature or advertising businesses, commodities or services of a prurient nature, which do not meet community standards.
 - (8) Illuminated signs outlining any part of a building, such as a gable, roof, window, sidewall or corner.
 - (9) Signs made of cardboard, paper or similar impermanent material, except temporary signs.

(10) Portable signs and signs mounted on parked vehicles or trailers or other similar mobile advertising media, except signs advertising the vehicle for sale.

(11) Signs which project over a street.

(12) Signs obstructing traffic visibility. No freestanding sign shall be erected or maintained in the shaded area shown in Sketch A found at the end of the Zoning Chapter, as such shaded area relates to the intersection of two streets or to the intersection of a driveway with a street.¹¹

[1]

Editor's Note: Sketch A is included as an attachment to Ch. 195, Zoning.

(13) A sign on which the illuminating source is visible from a public way, park or any property line, except for signs constructed from LED or neon-type tubes or similar illuminating systems.

(14) Signs attached to trees, utility poles, fences, traffic signs, street corner markers, or the like.

(15) Billboards.