

RESOLUTION

REGARDING USE OF TOWN PROPERTY FOR HOLIDAY DISPLAYS

Amended January 23, 2013

WHEREAS, the Town of North Castle (the “Town”) has permitted holiday displays on Town Property in or about the month of December each year, for the purposes of encouraging harmony, peace and goodwill among the residents of the Town; and

WHEREAS, the use of Town Property for holiday displays has not heretofore been reduced to writing as an official policy of the Town; and

WHEREAS, the Town Board hereby declares it to be in the best interest of the Town and all its residents to adopt a written policy to provide potential users of Town Property for holiday displays a clear understanding of the standards and guidelines for such use:

NOW, THEREFORE, the Town Board hereby adopts the following policy, effective upon passage:

Town Property/Holiday Display Guidelines:

1. Wampus Park is located on Maple Avenue in the Hamlet of Armonk. The area available for permitted holiday display is on either side of the gazebo and areas adjacent thereto and other Town properties as to be determined by the Town Board.

2. An applicant, if an individual, must be a resident of the Town. If an applicant is an organization, it must have a location in the Town.

3. The term “Permitted Holiday Display” as used herein is hereby defined as a holiday display on public property held to be constitutional under court decisions.

4. The term “Court Decisions” as used herein is hereby defined as decisions of the United States Supreme Court and the United States Courts within the Second Circuit regarding the constitutionality of holiday displays on public property.

5. Permitted Holiday Displays may be located on Town properties upon written approval of the Town Board and subject to Federal Law, State Law, Town Code and the limitations of this and any other policy duly adopted by the Town Board.

6. The Town will not sponsor or expend monies for a Permitted Holiday Display. Private individuals and/or groups may offer to donate to the Town through the Town Board, items for Permitted Holiday Displays, but it shall be the sole and exclusive decision of the Town Board as to whether such items constitutes a Permitted Holiday Display conforming to Court Decisions and applicable law, policy and ordinance.

7. Nothing herein shall be deemed to offer the Town Property to anyone as a public forum for the purposes of displaying any exhibits, symbols, sculpture, signs, or artwork.

8. Vandalism/Loss. Organizations and persons temporarily using Town Property for Permitted Holiday Displays shall be responsible for the cost and repair for any vandalism, damage, breakage, loss, or other destruction caused to the display.

9. Procedures for Reserving Temporary Use of Town Property for Permitted Holiday Displays.

A. Requests for reserving temporary use of Town Property for a Permitted Holiday Display must be made in writing to the Town on an annual basis. Each request must contain the following information (incomplete requests will not be considered):

1. Name/address/telephone number/e-mail address(es) of contact person(s)
2. Name/address/telephone number/e-mail address(es) of backup contact person(s)
3. Name and address of organization
4. General description of Permitted Holiday Display
5. Date(s)/time and duration of Permitted Holiday Display
6. Area requested for use
7. Signature/printed name of individual submitting request or authorized representative of the organization submitting the request.

The Town Clerk will prepare a permit application form for such requests. Completed permit applications are to be submitted to the Town Clerk who will refer such applications to the Town Board for review and action.

B. Where more than one application is submitted requesting temporary use of the same space at the same time, the Town Board, in its discretion, may designate separate areas within such space, if space estimates reasonably will allow such designation. Where space is insufficient, the Town Board in its discretion may limit the number of Permitted Holiday Displays so as to accommodate the multiple requests for such space. Where such concurrent accommodations cannot be made, priority shall be given to organizations within the Town which have previously been approved for Permitted Holiday Displays at such location. Priority otherwise shall be on a first-come, first-served basis, taking into consideration other previously scheduled events.

10. The Town reserves the right to suspend or modify these policies and adopt temporary emergency policies for specific periods, if necessary for public safety, to accommodate increase or decrease in demand or access or to protect public property and its occupants during periods of heightened security or special circumstance.