

**TOWN OF MARCELLUS**

**LOCAL LAW NO. C-2024**

**A LOCAL LAW TO AMEND CHAPTER 235 OF THE CODE OF THE TOWN OF MARCELLUS REGARDING OUTDOOR CONCERTS**

**BE IT ENACTED** by the Town Board of the Town of Marcellus as follows:

**SECTION 1. PURPOSE AND INTENT.**

The purpose of this Local Law is to amend Chapter 235 of the Code of the Town of Marcellus pertaining to the uses allowed within the Town's Zoning Districts and to specifically allow outdoor concerts subject to the receipt of a special permit for the same, such that the Town may allow outdoor concerts, but in a manner that preserves the health, safety and welfare of the Town.

**SECTION 2. AUTHORITY.**

This Local Law is enacted pursuant to the New York State Constitution and New York Municipal Home Rule Law §10 and New York State Town Law § 274-B.

**SECTION 3. AMENDMENT OF SUBSECTION B OF SECTION 235-4 OF THE CODE OF THE TOWN OF MARCELLUS.**

Section 235-4(B), "Definitions," is hereby amended to add a new term, "Outdoor Concert," which shall read in its entirety as follows:

**"OUTDOOR CONCERT**

Music event conducted outdoors and consisting of amplified music or music made with three or more instruments, including voices."

**SECTION 4. AMENDMENT OF SUBSECTION B OF SECTION 235-12 OF THE CODE OF THE TOWN OF MARCELLUS.**

Section 235-12(B) is hereby amended to add a new Paragraph "3," which shall read in its entirety as follows:

**"(3)** Outdoor concert(s), subject to special permit and the following conditions:

(a) The lot must be ten acres or more in size."

**SECTION 5. SEVERABILITY.**

If the provisions of any Section, section, subsection, paragraph, subdivision or clause of this Local Law shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision or clause of this Local Law.

**SECTION 6. EFFECTIVE DATE.**

This Local Law shall be effective upon filing with the office of the Secretary of State.