

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~County~~
~~City~~ of Jewett
Town
~~Village~~

Local Law No. 2 of the year 19 96

A local law REGULATION OF PUBLIC ASSEMBLIES
(Insert Title)

Be it enacted by the Town Board of the
(Name of Legislative Body)

~~County~~
City of Town as follows:
Town
~~Village~~

Be it enacted by the Town Board of the Town of Jewett as follows:

REGULATION OF PUBLIC ASSEMBLIES

ARTICLE I

Purpose and Definitions

Section 1.1 Purpose:

In order to preserve the public and good order, to prevent riots and tumultuous assemblages, unreasonably loud or disturbing noises, disorderly, noisy, riotous or tumultuous conduct and to promote the health, safety, morals and general welfare of the community consonant with the rights or its citizen and inhabitants and others to peacefully assemble, this local law is enacted.

Section 1.2 Assembly of Persons for Temporary Outdoor Entertainment:

This local law shall regulate the assembly of persons at temporary outdoor public gatherings for any reason whatsoever, including, but not limited to, the furnishing of entertainment of the amplification of music through electronic means whether recorded or live, where two hundred or more persons are expected to congregate.

Section 1.3 Definitions:

Unless otherwise expressly stated, the following terms shall, for the purpose of this local law, have the meaning herein indicated.

1. "Assembly" shall mean the gathering, collecting or congregation or persons with or without the levy or an admission fee.

(1)

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(1)

2. "Building" shall mean a structure wholly or partially enclosed within exterior wall and a roof, or permanent or temporary nature, affording shelter to persons, animals or property.

3. "Public place" shall mean a place to which the public or a substantial group of persons is invited or has access.

4. "Structure" shall mean a combination of material to form a construction that is safe and stable and includes, among other things, stadiums, stages, platforms, radio towers, sheds, storage bins, tents, billboards and display signs.

5. "Temporary outdoor entertainment" shall mean the furnishing of entertainment for a period of thirty (30) days or less where the persons assembled are not contained in an enclosed structure or building.

ARTICLE II

Permits

Section 2.1 Written Permit Required:

No persons shall use, allow, let or permit to be used property for the assembly of persons for temporary outdoor entertainment in excess of two hundred (200) persons on each occasion unless written permit shall have been obtained from the Town Board.

Section 2.2 Application Procedure:

A. FORM

Application for such permit shall be by verified petition addressed to the Town Board and shall be filed personally with the office of the Town Clerk at least sixty-one (61) days prior to the date upon which the commencement of such assembly is contemplated, unless otherwise waived by the Town Board.

B. INFORMAL APPLICATION

The Applicant shall submit in a form prescribed by the Town, a general description of the proposed assembly. The Town, in its sole and reasonable discretion may grant a permit or require the applicant to submit a formal application. The basis for same shall be formed by the impact of the proposed assembly upon the issues setforth hereinabove at Article I, Sections 1.1 and 1.2, and the mitigation of any potential negative impact upon said issues.

C. FORMAL APPLICATION

Upon a decision of the Town Board to require the submission of a formal application, the applicant shall submit, in addition to the informal application form the following:

1. A statement of the name, age, and residence address of the applicant; if applicant is a corporation, the name of the corporation, the names and addresses of director, officers and stockholders owing five (5%) percent or more of the number of shares outstanding of each class of stock; if the applicant doesnot reside in the County of Greene, the name and address of any agent who shall be a natural person and shall reside or have a place of business in the County of Greene and who shall be authorized to and shall agree by

verified statement to accept notices or summonses issued with respect to violations of any law, ordinances, rules or regulations.

2. A statement containing the name and address of the record owner of the subject property or properties and the nature and interest of the applicant therein; the proposed dates and hours of such assembly; the expected maximum number of persons intended to use the property at one time and collectively; the expected number of automobiles and other vehicles intended to use the property at one time and collectively; and the purpose of the function, including the nature of the activities to be carried on and the admission fee to be charged, if any.

3. A map showing the size of the property; the zoning district in which it is located; the streets or highways abutting said property; the size and location of any existing building, buildings, or structures or of any proposed building, buildings, or structures to be erected for the purpose of the assembly.

4. A plan or drawing showing the method to be used for the disposal of sanitary sewage.

5. A plan or drawing showing the method to be used for the supply, storage and distribution of water.

6. A plan or drawing showing the layout of any parking area for automobiles and other vehicles and the means of ingress and egress to such parking area. Such parking area shall provide one parking space for every four (4) persons in attendance.

7. A statement specifying the method of disposing of any garbage, trash, rubbish or other refuse arising therefrom.

8. If a person, other than the person applying for the permit will be engaged in the sale and distribution of food and beverage, the name and address of such person shall be submitted.

9. A statement specifying whether any private security guards or police will be engaged, and if so, the number thereof, and the duties to be performed by such persons.

10. A statement specifying the precautions to be utilized for fire protection, and a map specifying the location of fire and water supply for fire control.

11. A statement specifying the facilities to be available for emergency treatment of any person who might require immediate medical or nursing attention.

12. A statement specifying whether any camping or housing facilities are to be available and, if so, a plan showing the intended number and location of the same.

13. A statement that no soot, cinders, smoke, noxious acids, fumes, gases or unusual odors or loud or excessive noises shall be permitted to unreasonably emanate beyond the property line of the assembly.

14. Such other or further information as the Town Board shall reasonably require.

15. A statement of financial resources, prepared by a certified public accountant, showing finances sufficient to execute the plans as submitted.

SECTION 2.3 Conditions for Granting a Permit:

A. No permits shall be issued unless the permittee shall furnish the Town with written authorization to permit the Town, its Code Enforcement Officer, or its lawful agents to go upon the subject property for the purpose of inspecting the same, providing adequate police and fire protection and protecting persons and property from danger.

B. No permit shall be issued unless the applicant shall furnish the Town with a comprehensive liability insurance policy, issued by a company duly licensed by the State of New York, insuring the applicant against liability for damage to persons or property with limits of not less than \$1,000,000 - \$2,000,000 for bodily injury or death and limits of not less than \$1,000,000 for property damage, which said policy shall name the Town as an additional insured, and shall be non-cancelable without prior written notice to the Town.

C. The Town may issue a permit upon such other conditions as the Town may reasonable impose to insure compliance with this law, and for the general protection of the health, safety and welfare of the persons and property in the Town.

SECTION 2.4 Denial, Restrictions, and Expirations of Permit:

A. The Town may deny the issuance of a permit if it shall find that any of the items as set forth in Section 2.3 of this local law are insufficient to properly safeguard the safety, health, welfare and well-being of persons or property. The denial shall be in writing and shall set forth the reason therefor. In no event shall the Town withhold its written approval or denial of a permit for a period in excess by an extension in writing given by the applicant.

B. If a permit is granted by the Town, such permit shall set forth the maximum number of persons to be permitted to attend the event. The Town, in determining such maximum limit, shall take into consideration the capacity of the site, the facilities to be available, and the availability of public highway, and other means of transportation to and from the site. The applicant shall limit all ticket sales to such maximum number and shall include such limitations in all advertising.

C. Each permit shall expire thirty (30) days from the effective date thereof.

D. The Town may waive any of the requirements contained within the application procedure for good cause shown and in its reasonable discretion.

Section 2.5 Modification or Rescission of Permit:

If after a permit is issued, the Town Board determines that any of the representations and/or statements contained in the application or any of the conditions of the permit have not been complied with, the Town Board may serve upon the permittee's agent for the service of process as appointed pursuant to Subdivision A of Section 2.3 hereof and two (2) days notice of hearing specifying the manner in which the permittee has not complied with the terms of its permit, and

at which hearing the Town Board, for good cause, may modify or rescind such permit, absolutely or upon conditions.

Section 2.6 Fees:

There shall be no fee at the time of the informal application, however, upon a formal application the applicant shall pay to the Town at the time the application is submitted a nonrefundable fee of Fifty (\$50.00) dollars where the maximum number of persons to assemble shall be two hundred fifty (250) persons or less, One Hundred (\$100.00) dollars between two hundred fifty (250) and not over one thousand (1,000) persons, and Two Hundred (\$200.00) dollars in excess of one thousand (1,000) persons.

ARTICLE III

Enforcement and Penalties

Section 3.1 Penalties:

A. Any person who shall use, allow, let or permit to be used property for the assembly of person who shall cause the gathering, collection or congregating of persons in excess of two hundred(200) in public places for temporary outdoor entertainment without having a written permit in accordance with the provisions of this local law, shall be guilty of a violation of this local law.

B. A violation of any of the provisions of this local law shall be a misdemeanor, and shall be punishable as hereinafter provided.

C. A separate offense against this local law shall be deemed committed on each day during or on which a violation occurred or continues. A separate penalty may be imposed for each separate offense.

D. For each violation of this local law, the person violating the same shall be subject to a fine of not more than One Thousand (\$1,000.00) dollars or imprisonment not to exceed one (1) year, or to both such fine and imprisonment.

E. In addition to the above provided penalties, the Town may maintain an action or proceeding in the name of the Town of Jewett in a court of competent jurisdiction to compel compliance with or to restrain by injunction, the violation of this local law.

ARTICLE IV

Miscellaneous

Section 4.1 Severability:

Should any section or provisions of this local law be declared by any court to be unconstitutional or invalid, such declaration shall not effect the validity of this local law as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

Section 4.2 Effective Date:

This local law shall become effective immediately upon the operation of New York State law.

Section 4.3 Construction:

The provisions of this local law shall be in addition to and not in lieu of nor construed to be in conflict with the provisions contained in New York State Public Health Law or the New York State Sanitary Code.