NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET
ALBANY, NY 12231

Local Law Filing

(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.

STATE OF NEW YORK
DEPARTMENT OF STATE
FILED
JUL 09 2007

- ☐ County
- ☐ City of Lyonsdale
- ☐ Town
- ☐ Village

Local Law No. 1 **of the year 20** 07

A local law to adopt and establish certain regulations to regulate the holding *(Insert Title)* of outdoor public events reasonably expected to attract morethan five hundred (500) persons.

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

- ☐ County
- ☐ City of Lyonsdale
- ☐ Town
- ☐ Village

as follows:

(Delete this line of text and enter text of local law here)

SEE ATTACHED

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

TOWN OF LYONSDALE

Local Law No. 1 - 2007

A Local Law Regulating the Assembly of Persons Within the Town of Lyonsdale

Be it enacted by the Town Board of the Town of Lyonsdale as Follows:

SECTION 1 PURPOSE

The Town Board of the Town of Lyonsdale is concerned about the effect that outdoor public events attracting large numbers of persons would have on the health, safety and welfare of the residents of the Town of Lyonsdale and of those persons passing through the jurisdiction of the Town of Lyonsdale. The concentration of large groups of persons for outdoor public events may create problems and demands beyond the capabilities of the existing municipal service and facilities now available in the Town, including police protection, the flow of traffic on public highways, noise, and damage and injury to persons and property adjoining the location of such events. The Town Board is also concerned that adequate provision be made for sanitation and sanitary facilities or services; water supply; food service; garbage and refuse collection and disposal; medical, nursing and ambulance service; policing and traffic control; parking facilities and control; and communication systems; all of which are normally subject to governmental regulation and licensing.

The Town Board therefore determines that it is necessary for the public order and protection and the safety, health, and well being of persons and property within the jurisdiction of the Town to adopt and establish certain rules and regulations and to regulate the holding of outdoor public events reasonably expected to attract more than five hundred (500) persons.

SECTION 2 DEFINITIONS

Drinking water – water provided for human consumption, food preparation, or for lavatory, culinary, bathing or laundry purposes.

Existing use – under private ownership, the purpose or activity for which land or structures are designed, arranged, or intended, or for which land or structures are occupied or maintained.

Mass gathering – an outdoor public event which the Town board of the Town of Lyonsdale has reason to believe will attract five hundred (500) people or more such as circuses, fairs, carnivals, festivals, or other types of special events which are not directly related to the existing use of the property where the special event is to be located.

Person – any individual, group of individuals, partnership, firm, corporation, association, political subdivision, government agency, municipality, industry, estate, or any legal entity whatsoever.

Refuse – all putrescible and non-putrescible solid waste.

Structure – a combination of materials to form a construction that is safe and stable and including, among other things stadiums, stages, platforms, radio towers, sheds, storage bins, tents, billboards, signs, bleachers, ramps and seats.

SECTION 3 PERMIT

a. No person shall organize, promote, conduct, operate, or cause to be held any mass gathering in the Town of Lyonsdale unless a permit has first been issued for the holding of said mass gathering pursuant to this law. A separate permit shall be required for each such mass gathering.

b. No person owning, having any right to, or any interest in any real property within the Town of Lyonsdale shall license, rent, lease, or otherwise permit the use of such real property or any part thereof for any mass gathering unless a permit has first been issued for the holding of said mass gathering pursuant to this law.

SECTION 4 APPLICATION AND REVIEW PROCEDURE

a. Written application for a mass gathering shall be filed in duplicate, on forms provided by the Town (see Appendix A), with the Town Clerk at least one hundred twenty (120) days prior to the first day upon which such mass gathering shall be held. The Town Board may waive whole or in part, the one hundred twenty (120) day period where unique circumstances warrant.

b. The Town Clerk shall present a copy of the application to the Town Supervisor within five (5) days of receipt of the application.

c. The Town board shall review the application for sufficiency pursuant to Section 5 of this law. If the application is found insufficient, it shall be returned to the applicant for resubmission. The Town board shall review the application pursuant to the standards as set forth in Section 6 of this law, and shall approve, conditionally approve, or disapprove the issuance of a permit for the proposed mass gathering within ninety (90) days of the acceptance of a sufficient application. The Town Board shall not issue a permit until it is found that the potential impacts of the proposed mass gathering on the public health, safety, and welfare of the people and property of the Town of Lyonsdale will be mitigated to the satisfaction of the Board.

SECTION 5 APPLICATION REQUIREMENTS

An application for a mass gatherings permit shall contain the following unless a waiver is granted, all or in part, by the Town Board:

a. A statement of the name, age, and residence address of the applicant or of each applicant; or, if the applicant is a corporation, the name of the corporation, the names and addresses of the directors, officers and stockholders owning more than five percent (5%) of the number of shares outstanding of each class of stock, the State of incorporation and its Federal Employer Identification numbers; or if the applicant is a partnership or other organized group of individuals, the name of the partnership or organization and the names, addresses, and ages of each and every individual associated with the partnership or other entity. Any address utilizing a post office box must also include the actual residence or business address of the individual, partnership, or corporation.

b. A statement containing the name and address of the owner of record of the real property upon which the mass gathering is to occur and the nature and interest of the applicant in such property; the names and addresses of all adjoining real property owners; the proposed dates and hours of such mass gatherings; the expected maximum number of persons intended to attend the mass gathering at any one time and collectively the number of automobiles and other vehicles intended to use the property for such mass gathering; the purpose of the function, including the nature of the activities to be carried on; and the names and addresses of all concessionaires and other persons providing any services or facilities under contract, lease, or other arrangement for the mass gathering.

c. A map drawn to scale showing all required dimensions, distances, and showing the size of the property, the names of owners of record and the adjoining properties; the streets or highways abutting said property; the size and location of any existing buildings of structures or other facilities to be erected thereon for the purpose of the mass gathering; the location of any parking areas for automobile and other vehicles and the means of ingress and egress to such parking areas; the location of all service and other roads servicing any camping areas, food services, toilet facilities, garbage and refuse collecting facilities, and the entertainment and performance areas.

d. A statement as to intended hours of operation.

e. A plan and statement with drawings showing the methods and locations to be used for toilet facilities and for the disposal and treatment of sanitary sewage.

f. A plan and statement with drawings showing the storage, distribution and supply system for drinking water.

g. A plan and statement with drawings showing the layout of any parking areas for automobiles or other vehicles and the methods of traffic control to be used.

h. A plan and statement with drawings showing the facilities for the preparation, storage, sale and distribution of food and the means of servicing such an area. Such plan shall also detail the method and means of disposing of all refuse.

i. A plan and statement fully describing any private security personnel who will be engaged by the applicant to serve on or about the site during the mass gathering and the qualifications and source of such personnel.

j. A plan and statement providing for fire protection, specifying the location of fire lanes, water supply and equipment or apparatus to be available for such purposes.

k. A plan and statement specifying the facilities to be available for medical, nursing, and ambulance service. The applicant shall furnish the Town board with the names of all doctors, nurses, and ambulance service personnel the applicant will provide for the event prior to the issuance of a permit.

l. A plan and statement describing the restoration of the site following the event.

m. A description of all insurance policies and surety bonds to be provided by the applicant for the protection of the general public, The Town of Lyonsdale, and its various public bodies. Certificates of such insurance and bonds shall be submitted to the Town Board prior to the issuance of a permit.

n. A subscribed authorization from the individuals, corporation, partnership, or business owning the real property upon which the event is to be held to permit agents of the Town of Lyonsdale to go upon the property for the purpose of inspecting the same and to determine if there is compliance with the requirements of this law.

o. A statement by the applicant that the applicant will specify in all advertisement and promotional endeavors the limitation on the number of tickets to be sold, if any, or otherwise issued as specified in the permit.

p. A permit fee as established by resolution of the Town Board which shall include reimbursement to the Town for any reasonable consultant fees incurred.

q. An environmental assessment form and a draft environmental impact statement, if required.

SECTION 6 STANDARDS AND SPECIFICATION

A permit for a mass gathering may not be issued until the following requirements are met and approved and/or a waiver granted whole or in part, by the Town Board:

a. All amplified noise, commercial business activities and staged performance(s) shall cease by the hour of ***12:00 AM (Midnight)*** and may not commence until re-permitted the next day.

b. An individual approved by the Town Board shall be placed in charge of the property by the applicant, and shall be on the site of the mass gathering while the property is occupied or open for occupancy.

c. The applicant shall inform the New York State Police and the county Sheriff's department of the dates and times of the mass gathering and the capacity and qualifications of the security personnel. Provision shall be made for a sufficient number of qualified security personnel.

d. A buffer zone sufficient to protect neighboring property owners from excessive noise, light, or other nuisance effects of the mass gathering shall be required where necessary.

e. Toilets and sanitary sewage disposal facilities shall be adequate and shall comply with all State and County Health Department standards and approvals.

f. The drinking water supply shall be safe and adequate and shall comply with all State and County Health Department standards and approvals.

g. There shall be one parking space for each three (3) people in attendance. Traffic control shall be adequate to maintain a safe and efficient traffic flow.

h. There shall be adequate provisions for food supply, and there shall be complete and adequate provision for refuse disposal.

i. Fencing sufficient to protect neighboring property from trespass shall be provided where necessary.

j. Safe and effective fire control and medical facilities shall be provided. ***Applicant shall inform Lyons Falls Co., Lyons Falls Ambulance, Lowville Search and Rescue of the dates and times of the mass gathering***

k. The site shall be restored to a suitable condition following the event, including the removal of garbage and debris and the replacement of any vegetation necessary to stabilize the soil.

l. The applicant shall provide a comprehensive liability insurance policy insuring the Town against liability for damage to persons or property with limits to be determined by the Town Board in proportion to the size of the event but not less than five hundred thousand dollars ($500,000) for bodily injury or death to one person or one million dollars ($1,000,000) for bodily injury or death in one event, and with limits of not less than five hundred thousand dollars ($500,000) for property damage, sufficient in form to save the Town harmless from any liability or causes of action which might arise by reasons of granting of the permit. The policy shall be noncancellable without ten (10) days prior written notice to the Town. The Town shall be named as an additional insured on such policy.

m. The applicant shall deposit with the Town Clerk cash or good surety company bond, approved by the Town Board, in such sum ***not less than one hundred thousand dollars ($100,000)*** as determined by the Town Board, in proportion to the size of the event as the

Town Board may reasonably require, and conditioned that all requirements of the permit will be fully performed by the applicant; that no damage will be done to any public or private property and that the applicant will not permit any litter, debris, or other refuse to remain upon any public or private property by reason of granting of the permit. Such surety bond or cash shall serve as an indemnity to save and protect the roads, pavements, bridges, road signs and other public or private property within the Town of Lyonsdale from any and all damage that may be caused by vehicles; employees, or participants of such mass gatherings, and shall be used, if necessary, to restore the grounds where such mass gathering is held to a sanitary condition and pay all charges and losses to the Town for damages to roads, pavements, bridges, and other property, and to reimburse the Town for any expense necessitated by the mass gathering in the employment of additional Town personnel. The surety company bond shall be cancelled or the cash deposit or its balance shall be returned to the applicant when the Town Board has determined that no such damage had been done and that the Town did not incur any additional expense due to said mass gathering or that the costs thereof have been paid by the applicant.

n. The Town Board may set forth the maximum number of persons to be permitted to attend the mass gathering. The Town Board, in determining the maximum limit, shall take into consideration the capacity of the site, available public highways and other means of transportation to and from the site, available parking, sanitation facilities and the water distribution system. The applicant shall limit all ticket sales to such maximum number and shall include such limitation in all advertising.

SECTION 7 DENIAL OF PERMIT

The permit shall not be granted if any of the information set forth in the application is determined by the Town Board to be insufficient to property, safeguard the safety, health, welfare and well being of persons or property, or does not comply with any of the requirements of this law.

SECTION 8 NON-COMPLIANCE WITH PERMIT

If, after a permit is issued, the Town Board determines that any of the items required as a condition of the permit is not adhered to and accomplished within the required time limits or if any insurance and surety bonds shall be terminated prior to the completion of the event, then this permit shall thereupon immediately be terminated by action of the Town Board, unless the breach or failure is promptly remedied within such time limit as may be reasonably imposed by the Town Board. Notice of termination of the permit shall be in writing addressed to the applicant at the address set forth in the application.

SECTION 9 ENFORCEMENT AND PENALTIES

a. Any person, who shall organize, promote, conduct, operate, or cause to be held a mass gathering within he Town of Lyonsdale or any person who shall license, rent, lease, or otherwise permit the use of real property or any part thereof for any mass gathering

without having a written permit in accordance with the provisions of this law shall be deemed to be a misdemeanor and, upon conviction, shall be punished by a fine not exceeding one thousand dollars ($1000) per individual and not exceeding five thousand dollars ($5000) as to a corporation, partnership, association, or other legal person, or imprisonment not to exceed one year, or both such fine and imprisonment. Each day a violation continues shall constitute a separate additional violation.

b. In addition to the penalties above described, the Town Board may also maintain an action or proceeding in the name of the Town of Lyonsdale in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of this law. The Town Board shall be entitled to use one or more means concurrently for the enforcement of any violations of this law.

SECTION 10 SEPARABILITY

If any claims, sentence, paragraph, section or part of this law shall be adjudged of 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 or part thereof directly involved in the controversy in which such judgment shall have been rendered.

SECTION 11 EFFECTIVE DATE

This local law shall become effective immediately upon filing in the Office of the Secretary of State of the State of New York.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. **(Final adoption by local legislative body only.)**
I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2007 of the (County)(City)(Town)(Village) of Lyonsdaly was duly passed by the Town Board on June 14 20 07, in accordance with the applicable
(Name of Legislative Body) 12
provisions of law.

2. **(Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)**
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved)
(Name of Legislative Body)
(repassed after disapproval) by the _____ and was deemed duly adopted
(Elective Chief Executive Officer)*
on _____ 20 _____, in accordance w ith the applicable provisions of law.

3. **(Final adoption by referendum.)**
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved)
(Name of Legislative Body)
(repassed after disapproval) by the _____ on _____ 20 _____
(Elective Chief Executive Officer)*
Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general) (special)(annual) election held on _____ 20 _____, in accordance with the applicable provisions of law.

4. **(Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved)
(Name of Legislative Body)
(repassed after disapproval) by the _____ on _____ 20 _____. Such local
(Elective Chief Executive Officer)*
law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20 _____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. **(City local law concerning Charter revision proposed by petition.)**
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20_____, became operative.

6. **(County local law concerning adoption of Charter.)**
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November_____ 20_____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)
I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____, above.

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

Date: June 25, 2007

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF Lewis

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Signature

Town Attorney
Title

County
City of Lyonsdale
Town
Village

Date: June 25, 2007