

_____ OF _____ LOCAL LAW NO. ____ OF THE YEAR
2019

A LOCAL LAW CREATING CHAPTER 145 OF THE _____
_____ ENTITLED "MASS GATHERINGS"

Be it enacted by the _____ Board of the _____ of
_____ as follows:

Section 1. Legislative Intent.

It is the intent of this Local Law to regulate the mass assembly of persons.

Section 2. Authority.

This Local Law is adopted pursuant to Article IX of the New York State Constitution and the provisions of the New York State Municipal Home Rule Law, which authorizes the _____ of _____ to adopt regulations that advance and protect the health, safety, and welfare of the community.

Section 3. Creation of Chapter 145 of the _____ Code.

Chapter 145 of the _____ Code is hereby adopted as follows:

Chapter 145 Mass Gatherings

§ 145-1 Purpose.

The purpose of this chapter is to promote the general health, safety and welfare of the _____ of _____ and its residents by regulating the mass assembly of persons within the _____ of _____. Such mass assemblies constitute a danger to the health, safety and welfare if not properly undertaken and regulated.

§ 145-2 Definitions.

As used in this chapter, the following words and terms shall have the indicated meanings:

DRINKING WATER

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

EVENT

Event means the intentional assembly, meeting or congregation of persons in a particular place, with or without the levy of an admission fee, which has been planned in advance around a central theme or for a common purpose. Events shall include, but are not limited to, activities such as festivals, fairs, celebrations, ceremonies, concerts, parades, processions, parties, races, rallies, marches, demonstrations, exhibitions, and performances.

MAJOR MASS GATHERING

Major Mass Gathering shall mean any event held on public or private property which, in a 24 hour period or less, is reasonably likely to attract at least 500 persons or more, either simultaneously or in total.

MINOR MASS GATHERING

Minor Mass Gathering shall mean any event held on public or private property which, in a 24 hour period or less, is reasonably likely to attract at least 200 persons, but less than 500 persons, either simultaneously or in total.

PERMIT-ISSUING OFFICIAL

Permit-issuing official shall mean, except as otherwise provided in this Local Law, the _____ Clerk of the _____ of _____.

PERSON

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

REFUSE

Refuse shall mean all putrescible and non-putrescible solid waste, including garbage, rubbish, ashes, incinerator residue, street cleanup, dead animals, offal and solid commercial waste.

SEWAGE

Sewage shall mean excreta and the waste from a flush toilet, bath, sink, lavatory, dishwashing or laundry, machine, or the water carried away from any other fixture or equipment.

TOWN

_____ shall mean the _____ of _____.

§ 145-3 Applicability.

The requirements of this Local Law shall apply to Major Mass Gatherings and Minor Mass Gatherings. Notwithstanding the foregoing, the requirements of this Local Law shall not apply to the normal or regular operations, activities or affairs of any duly established municipal, educational, or religious organization or institution (including schools) located within the _____. It shall also not apply to an operation or use for which the _____ Planning Board has granted site plan approval or for which approval is granted under any other section of the _____'s Local Laws.

§ 145-4 Permit Required.

- A. No person shall hold or promote, by advertising or otherwise, or use, allow, let or permit to be used property for a Major Mass Gathering or Minor Mass Gathering unless a permit has been issued for the gathering by the permit-issuing official. The permit-issuing official shall consult with the Building and Code Inspector of the _____ prior to the issuance of such written permit. Once issued, a permit may not be transferred or assigned without the prior written consent of the _____.
- B. Application for such permit shall be by verified petition on forms to be furnished by the _____, addressed to the _____ Board, and shall be filed with the _____ Clerk at least one month prior to the date upon which such use and assembly is scheduled to occur.
- C. In rendering a decision, the _____ Board shall consider and make findings that the proposed Event will not create a hazard to health, safety or the general welfare, and will not otherwise be detrimental to the public convenience and welfare. A determination granting or denying permits as herein provided for shall be made within two weeks after application therefor. No permit shall be granted unless the applicant complies with all applicable requirements of this chapter. Denial of the permit by the _____ Board shall be in writing. Nothing herein shall be deemed to relieve the applicant from compliance with any other applicable _____ Local Law or ordinance.
- D. Separate permits shall be required for each Major Mass Gathering and Minor Mass Gathering. A separate permit is required for any Major Mass Gathering or Minor Mass Gathering which is separated more than 48 hours from a previous event for which a permit had been granted.
- E. Any permit may be revoked by the permit-issuing official if, after a public hearing on notice to the permittee, the _____ Board finds that the Event for which the permit was issued is maintained, operated or occupied in violation of federal, state, county, or Local

Law, or the Sanitary Code of the State of New York. A permit may be revoked upon request of the permittee or upon abandonment of operation.

- F. Any permit may also be revoked by the permit-issuing official on at least twenty-four hours' notice if any permits required by _____, county, state or federal authorities with jurisdiction over the activities to be conducted during the event are not timely filed with the _____ Clerk prior to the event's commencement.
- G. A permit issued for the operation of a Major Mass Gathering or Minor Mass Gathering shall be kept on file and made available by the operator on request.

§ 145-5 Contents of application – Major Mass Gatherings.

All applications for a permit to conduct a Major Mass Gathering shall include the following information:

- A. The name, age, residence, mailing address and telephone number of the applicant; a statement of the applicant's legal status, such as individual, partnership, corporation, etc.; and whether the applicant has ever been convicted of a felony or misdemeanor, or violation of any _____ Local Law. If the applicant is a partnership, state the name, age, residence, mailing address and telephone number of each partner; and if a corporation, the names and addresses of all corporate officers and directors, together with a certified copy of the articles of incorporation and a list of the names and addresses of all persons directly in charge of the activity.
- B. The location and survey description of the property where the activity is proposed, including all lands to be used directly, indirectly or incidental to the proposed activity or any part thereof; attaching to the application certified copies of documents disclosing the nature of the interest of the applicant relating to such property. If such interest is a leasehold, a copy of such lease shall be attached.
- C. The date or dates and the hours during which the activity is to be conducted and the total time period of such activity (including set up and clean up afterwards, and whether rain dates/times are planned), and agreement not to allow the playing of music by electronically amplified means, or the creation of other loud noises, between the hours of 11:00 p.m. and 7:00 a.m. weeknights (Sunday night through Thursday night), and 12:00 a.m. and 7:00 a.m. weekends (Friday night and Saturday night).
- D. The program and plans of the activity in its entirety, with particular emphasis on the following:

1. Detailed plans for parking facilities off public roadways able to serve all reasonably anticipated requirements.
2. Detailed plans for transportation arrangements from noncontiguous parking facilities to the site to fully serve all reasonably anticipated requirements, including a statement from the _____ Police Chief certifying that the traffic control plan within the _____ is satisfactory, and the Tioga County Sheriff certifying that the traffic control plan outside the _____ is satisfactory.
3. An outline map of the area to be used, to an appropriate scale, showing the location of all toilets and handwashing facilities, all water supply sources (lakes, ponds, streams, wells, storage tanks, etc.), all areas of assemblage, including separate overnight camping areas for sleeping, all food service areas and all refuse storage handling and disposal areas, and emergency access and egress roads.
4. The total number of persons permitted at the event, including performers, staff members and audience, which shall be determined by providing a net assembly area of at least 7 square feet per person in addition to providing at least 50 square feet per person in a separate camping area for 50% of the population, if camping is allowed.
5. A plan for limiting attendance, including methods of entering the area, and if applicable, number and location of ticket booths and entrances, and provisions for keeping non-ticket-holders out of the area.
6. A detailed plan for use of signs to locate all facilities and roadways.
7. A statement from the _____ Fire Chief verifying that the facilities available to such Event are suitable to provide adequate fire safety, that they are aware of the event and are willing to cooperate if needed.
8. A detailed plan for emergency situations, including:
 - i. Food supplies;
 - ii. Medical supplies, facilities and personnel to fully serve all reasonably anticipated requirements;
 - iii. An evacuation plan; and
 - iv. Emergency access roads.

9. Detailed plans for security enforcement, including prevention of the unlawful use of alcohol, narcotics and dangerous drugs at the Event, methods for limiting the use of the proposed function to the number of participating for which the facilities are designed, and external as well as internal crowd control, including sufficient guards for crowd control and security enforcement.
 10. Detailed plans for internal storage and collection of refuse, including provisions for disposal and cleaning the property and immediate surrounding properties within 48 hours after the event, along with copies of contracts for such services if contracted with third-parties.
 11. Detailed plans for amplifying equipment designed to control the noise level at the perimeter of the site to no more than 75 decibels on the A scale of a sound level meter which meets the specifications of the American National Standards Institute.
 12. Detailed plans for lighting designed to illuminate the public areas of the site at all times and demonstrating that the lighting will not reflect on any area beyond the boundary of said site.
 13. A plan showing that the proposed activity, including, but not limited to, noise level, is adequately buffered from all neighboring homes within 500 feet of the perimeter of the site.
- E. An agreement to notify the County Health Department of the proposed event, and agreement to submit to a preoperational inspection by the County Health Commissioner, if required.
- F. An agreement to provide to the _____ Clerk copies of any permits required by _____, county, state or federal authorities with jurisdiction over the activities to be conducted during the event, at least 72 hours prior to the commencement of the event.
- G. An agreement to comply with this Local Law's requirements concerning water, handwashing, insurance, and additional duties requirements.
- H. Proof of financial resources showing finances sufficient to execute the plans as submitted.
- I. Any other information requested by the permit-issuing official.

§ 145-6 Contents of application – Minor Mass Gatherings.

All applications for a permit to conduct a Minor Mass Gathering shall include the following information:

- A. The name, age, residence, mailing address and telephone number of the applicant; a statement of the applicant's legal status, such as individual, partnership, corporation, etc.; and whether the applicant has ever been convicted of a felony or misdemeanor, or violation of any _____ Local Law. If the applicant is a partnership, state the name, age, residence, mailing address and telephone number of each partner; and if a corporation, the names and addresses of all corporate officers and directors, together with a certified copy of the articles of incorporation and a list of the names and addresses of all persons directly in charge of the activity.
- B. The location of the property where the activity is proposed, including all lands to be used directly, indirectly or incidental to the proposed activity or any part thereof.
- C. The date or dates and the hours during which the activity is to be conducted and the total time period of such activity (including set up and clean up afterwards, and whether rain dates/times are planned), and agreement not to allow the playing of music by electronically amplified means, or the creation of other loud noises, between the hours of 11:00 p.m. and 7:00 a.m. weeknights (Sunday night through Thursday night), and 12:00 a.m. and 7:00 a.m. weekends (Friday night and Saturday night).
- D. The program and plans of the activity in its entirety, with particular emphasis on the following:
1. Name(s) of on-site event manager(s), at least one of whom must be on-site at all times, and emergency telephone number(s).
 2. A description of the event, including whether live or recorded music will be played and if so, the means of broadcast/amplification
 3. Estimated number of persons expected to attend the event, and the total number of persons permitted at the event, including performers, staff members, vendors, and audience/attendees.
 4. A plan for limiting attendance, including methods of entering the event area, and if applicable, number and location of ticket booths and entrances, and provisions for keeping non-ticket-holders out of the area.
 5. A description of how the event will be advertised.
 6. Indicate whether or not (i) individuals will be cooking during the event, and/or selling food; and if (ii) vendors will be allowed to operate during the event.
 7. Indicate whether alcohol will be sold, served, and/or consumed.

- E. An agreement to provide to the _____ Clerk copies of any permits required by _____, county, state or federal authorities with jurisdiction over the activities to be conducted during the event, at least 72 hours prior to the commencement of the event.
- F. Proof of financial resources showing finances sufficient to execute the plans as submitted.
- G. An agreement to comply with this Local Law's requirements concerning water, handwashing, insurance/indemnity, and additional duties requirements.
- H. Any other information requested by the permit-issuing official.

§ 145-7 Water.

Every existing and proposed water supply serving a Major or Minor Mass Gathering shall meet the following requirements:

- A. Drinking water shall be of a quality satisfactory to the Tioga County Health Department.
- B. There shall be no physical connection between a pipe carrying drinking water and a non-potable water supply. A fixture, installation or equipment from which back siphonage may occur shall not be supplied water from a pipe carrying drinking water.
- C. A common drinking utensil shall not be provided. Drinking fountains shall be of approved sanitary design and construction.
- D. Any interruption in treatment of a drinking water supply shall be reported immediately to the permit-issuing official. No change in the source or method of treatment of the drinking water supply shall be made without first notifying and securing the approval of the permit-issuing official.

§ 145-8 Handwashing Facilities.

Suitable and adequate facilities shall be provided, convenient to the toilets and, if applicable, food handling facilities.

§ 145-9 Public Liability and Property Damage Insurance and Indemnity.

If a Major or Minor Mass Gathering is proposing to utilize public lands, then the following conditions shall apply in addition to any other requirements for use of such lands under the _____ Code:

- A. No permit shall be issued unless the applicant and the promoter, if different from the applicant, furnishes the _____ with a comprehensive liability insurance

policy insuring the _____ against liability for damage to person or property with limits of not less than \$1,000,000/\$5,000,000 for bodily injury or death and limits of not less than \$1,000,000 for property damage, to save the _____ harmless from any and all liability or cause of action which might arise by reason of the granting of the permit, which policy shall not be cancellable without ten (10) days' prior written notice to the _____ of _____ and which shall be in effect during the entire period of the Major or Minor Mass Gathering. Failure to keep such policy in effect will result in automatic revocation of the permit without hearing.

- B. If alcohol will be sold during the Major or Minor Mass Gathering, then no permit shall be issued unless the applicant shall furnish the _____ with proof of liquor liability insurance coverage in the amount of not less than \$1,000,000 naming the _____ as an additional insured on a primary, non-contributory basis.
- C. If the permit applicant or sponsoring organization has paid employees, then no permit shall be issued unless the applicant shall furnish the _____ with proof of proper and adequate workers' compensation insurance coverage must also be provided.
- D. All permit applicants, promoters and sponsoring organizations are required to hold harmless and indemnify the _____ from any and all claims, actions, damages or liability arising from the permitted gathering of every name and nature which may arise or be incurred by the _____ as a consequence of giving such permission or as a result of the conduct of the event participants, or as a result of the cleaning or cleaning of the area in which the event is held.

§ 145-10 Additional Duties of a Permittee for a Major or Minor Mass Gathering.

- A. The site shall be provided with a network of interior roads to be kept clear at all times for service and emergency vehicles, and shall be serviced by access roads which will permit an adequate flow of traffic and ensure the free passage of emergency vehicles.
- B. Each person attending shall be provided with a site map showing the location of all facilities.
- C. If applicable, a separate overnight camping area or areas shall be provided as approved by the County Health Department.
- D. Adequate light for toilet areas, service areas and walkways shall be provided.
- E. The permittee shall prohibit storage of flammable or volatile liquids or materials including but not limited to liquid petroleum or natural gas in or adjacent to the area of gathering.
- F. Children under 16 years of age not accompanied by an adult shall be provided with adequate and competent adult supervision, such supervision to be provided by the permittee and exercised by a supervisor or supervisors present on the property.

- G. Satisfactory arrangements shall be made to assure adequate medical and nursing supervision and care at the event site.
- H. The person to whom a permit to operate has been issued shall provide an individual who is acceptable to the permit-issuing official as suitable and responsible, to be in charge of the property and who shall be on or available to the property during reasonable hours of the day while the property is occupied or open for occupancy.
- I. A person to whom any permit is issued shall comply with the provisions of this Local Law and with all conditions stated in the permit, and shall allow the permit-issuing official or his/her representative to enter the premises at any reasonable time to ascertain compliance with this Local Law.
- J. A maintenance staff of one maintenance employee for every 400 persons in attendance at any permitted event shall be provided to assure proper operation of all facilities.
- K. No permittee will sell, or offer for sale, nor allow any other person to sell, or offer for sale, any alcoholic beverage other than upon premises designated in the permit application during the time period delineated for such Event and in strict compliance with alcohol beverage control laws and permittee's liquor license.
- L. Each permittee shall provide for the removal of any temporary structures erected for use during any permitted event within 48 hours after the time specified in the permit application for termination of such event. Nothing contained in this subsection will relieve any part from the requirements of any other law regulating construction of such temporary structures.
- M. No permittee will allow any person to possess any firearm on the premises of such mass gathering other than a policeman or peace officer otherwise authorized to possess firearms.

§ 145-11 Fees.

Applications for Major and Minor Mass Gatherings shall be accompanied by a fee in an amount as set forth by resolution of the _____ Board from time to time. Such fee shall be compensation to the _____ for its examination and processing of such application and shall not be refundable in whole or in part. Said fee shall be waived for functions sponsored by a municipality, school district, or not for profit entity.

§ 145-12 Enforcement and Penalties for Offenses.

- A. Appearance tickets. The Building and Code Inspector of the _____ is authorized to issue appearance tickets for any violation of this Local Law.

- B. Penalties. Any person who violates any provision of this Local Law shall be punishable by a criminal fine of not more than \$250 per day of violation or imprisonment not exceeding fifteen days, or both. Each day that a violation continues shall be deemed a separate offense.
- C. Civil Penalties. Any person who violates any provision of this Local Law shall be liable for a civil penalty of not more than \$1,000 for each day or part thereof during which such violation continues. The civil penalties provided by this section shall be recoverable in an action instituted in the name of the _____.
- D. Injunctive relief. An action or proceeding may be instituted by the _____ in a court of competent jurisdiction to prevent, restrain, enjoin, correct or abate any violation of this Local Law.
- E. Remedies not exclusive. No remedy or penalty specified in this section shall be exclusive remedy or penalty available to address any violation described in this section, and each remedy or penalty specified shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties described herein or in any other applicable law. Any remedy or penalty specified may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty.

Section 4. **Remainder**

Except as hereinabove amended, the remainder of the Code of the _____ of _____ shall remain in full force and effect.

Section 5. **Severability.**

Should any section or provisions of this Local Law be declared by any Court to be unconstitutional or invalid, such declaration shall not affect the validity of this Local Law in whole or any thereof, other than the part so declared unconstitutional or invalid.

Section 6. **Effective Date.**

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