

Local Law # 2 of the year 1981

Amended law # 4 1992

A LOCAL LAW RELATING TO THE REGULATION AND LICENSING OF OUTDOOR
PUBLIC MUSICAL ENTERTAINMENT, AMUSEMENT AND ASSEMBLIES

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF HUNTER
as follows:

SECTION 1. LEGISLATIVE INTENT AND PURPOSE.

The Town Board of the Town of Hunter is concerned about the effect that outdoor public events, consisting of musical entertainment, musical amusement and musical assemblies attracting large numbers of persons would have on the health, safety and welfare of the residents of the Town of Hunter and of those persons passing through the jurisdiction of the Town of Hunter. The concentration of large groups of persons for outdoor public events, consisting of musical entertainment, musical amusement and musical assemblies would create problems and demands beyond the capability of the existing municipal services and facilities now available in the Town of Hunter, 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 and services, water supply, food service, garbage and refuse collection and disposal, medical, nursing and ambulance service, policing and traffic control, parking and 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 of Hunter to adopt and establish certain rules and regulations and to regulate and license the holding of outdoor public events, consisting of musical entertainment, musical amusement and musical assemblies reasonably expected to attract more than five hundred persons within any twenty-four hour period.

SECTION 2. REGULATION

(a) No person, persons, partnership, association or corporation, or any combination thereof, shall organize, promote, conduct, operate or cause to be operated any outdoor public events, consisting of musical entertainment, musical amusement or musical assembly of persons within the jurisdiction of the Town of Hunter for which said person, persons, partnership, association or corporation, or any combination thereof, believes or has reason to believe will attract five hundred or more persons unless a permit has first been obtained for the operation of said outdoor public event, consisting of musical entertainment, musical amusement or musical assembly pursuant to this Local Law. A separate permit shall be required for each such event. However, notwithstanding any other provision contained herein, no permit shall be required for any such outdoor public event when a "mass gathering permit" for such event has been issued in connection therewith by the New York State Department of Health pursuant to Chapter I, Title 10 of New York Codes, Rules and Regulations, Section 7.40 of the New York Sanitary Code.

(b) No owner, lessee, licensee or other person, persons, partnership, association or corporation or any combination thereof, owning, having any right to, or any interest in, any real property within the jurisdiction of the Town of Hunter shall license, rent, lease or otherwise permit the use of such real property, or any part thereof, for outdoor public events, consisting of musical entertainment, musical amusement or musical assembly for which said owner, lessee, licensee or other person, persons, partnership, association or corporation or any combination thereof, believes or has reason to believe will attract more than five hundred persons, within any twenty-four hour period, except pursuant to a special permit issued for such purpose by the Town Board of the Town of Hunter as hereinafter provided.

SECTION 3. APPLICATION FOR PERMIT.

(a) Written application for a permit for such outdoor public events, consisting of musical entertainment, musical amusement or musical assembly shall be made to the Town Board of the Town of Hunter by filing with the Town Clerk, in triplicate, a verified petition containing the information hereinafter required, at least sixty (60) days prior to the first day upon which such outdoor public events, consisting of musical entertainment, musical amusement or musical assembly is to be held. A determination granting or denying the application for a permit shall be made by the Town Board within forty (40) days after the application is filed with the Town Clerk. No permit shall be granted unless the applicant fully complies with all of the requirements of this Local Law.

(b) The application shall include the following information:

1. 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 of the number of shares outstanding of each class of stock; 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.
2. A statement containing the name and address of the record owner of the real property upon which the event 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 event; the expected minimum and maximum number of persons intended to attend the event at any one time and collectively the expected number of automobiles and other vehicles intended to use the property for such event; the purpose of the function, including the nature of the activities to be carried on and the admission fees to be charged, if any; and the names and addresses of all concessionaires and other persons providing any services or facilities under contract, lease or other arrangement for the event.
3. A map prepared by a professional engineer or surveyor licensed by the State of New York showing the size of the property, the names of record owners of the adjoining properties; the streets or highways abutting said property; the size and location of any existing building, buildings or structures or other facilities to be erected thereon for the purpose of the event; the placement of the proposed distribution system of water; the location of any parking areas for automobiles

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 collection facilities and the entertainment and performance areas.

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

5. A detailed plan and statement with drawing showing the distribution and supply system for supply, storage and distribution of drinking water.

6. A detailed plan and statement with drawing showing the layout of any parking areas for automobiles or other vehicles and the methods of traffic control to be used. Such parking areas shall provide parking space of acceptable size for one motor vehicle for every three persons in attendance.

7. A detailed plan and statement with drawing showing the facilities for the preparation, storage, sale and distribution of food and the means of servicing such area. Such plan shall also detail the method and means of disposing of any garbage, trash, rubbish or other refuse.

8. A detailed 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 event and the qualifications and source of such personnel. The Town Board may require the applicant to obtain the consent of the Zone Commander of the New York State Police having jurisdiction over the Town of Hunter as to the capacity and qualifications of the security personnel.

9. A detailed 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.

10. A detailed 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 issuance of a permit.

11. A detailed description of all insurance policies and surety bonds to be provided by the applicant for the protection of the general public, the Town of Hunter, and its various public bodies. Certificates of such insurance and bonds shall be submitted to the Town Board at least thirty (30) days prior to the commencement date of the event.

12. A subscribed authorization from the owners of the real property upon which the event is to be held to permit agents of the Town of Hunter to go upon the property for the purpose of inspecting the same to determine if there is compliance with the requirements of this Local Law.

13. A statement subscribed by the applicant that the applicant will specify in all advertisement and promotional endeavors the limitation on the number of tickets to be sold or otherwise issued as specified in the permit and that the applicant will neither sell nor otherwise issue tickets at the site while the event is in progress.

SECTION 4. INSURANCE AND BONDS.

(a) No permit shall be issued unless the applicant shall furnish the Town of Hunter with a comprehensive liability insurance policy insuring the Town against liability for damage to persons or property with limits of not less than \$500,000 for bodily injury or death to one person or \$5,000,000 for bodily injury or death in one event, and with limits of not less than \$500,000 for property damage, sufficient in form to save the Town harmless from any liability or causes of action which might arise by reason of the granting of the permit and noncancellable without ten days' prior written notice to the Town.

(b) No permit shall be issued unless the applicant shall deposit with the Clerk of the Town of Hunter cash or good surety company bond, approved by the Town of Hunter, in such sum not less than \$100,000 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 indemnity to save and protect the streets, pavements, bridges, road signs and other property of the Town of Hunter from any and all damage that may be caused by vehicles, employees or participants in such event and shall be used, if necessary, to restore the ground where such event is held to a sanitary condition and pay all charges and losses to the Town for damages to streets, pavements, bridges, and other property, and to reimburse the Town for any expense necessitated by the event in the employment of additional Town personnel.

(c) The surety company bond shall be cancelled or the cash deposit or its balance shall be returned when the Town Board has determined that no such damage has been done and that the Town did not incur any additional expense due to said event or that the costs thereof have been paid by the applicant.

SECTION 5. LIMITATION ON ATTENDANCE.

If a permit is granted by the Town Board, such permit shall set forth the maximum number of persons to be permitted to attend the event. The Town Board, in determining the maximum limit shall take into consideration the capacity of the site and of available public highways and other means of transportation to and from the site and the available parking and sanitation facilities and water distribution system. The applicant shall limit all ticket sales to such maximum number and shall include such limitation in all advertising. No tickets shall be sold at or near the site of the event during the term of the event.

SECTION 6 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 properly safeguard the safety, health, welfare and well-being of persons or property or does not comply with any of the requirements of this Local Law. However, the Town Board in its sole discretion may, for good cause shown, waive, alter, vary or modify any of the requirements set forth above, upon such conditions as the Town Board may impose, and to which an applicant shall in writing agree to.

SECTION 7 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 or 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 its application.

SECTION 8 ENFORCEMENT AND PENALTIES.

(a) Any person, persons, partnership, association, corporation, landowner, lessee or licensee who shall organize, promote, conduct, operate or cause to be operated an outdoor public event, consisting of musical entertainment, musical amusement or musical assembly of persons within the Town of Hunter for which said person, persons, partnership, association, corporation, landowner, lessee, or licensee believes or has reason to believe will attract five hundred or more persons without having a written permit in accordance with the provisions of this Local Law shall be deemed to have violated this Local Law, which violation shall be deemed to be a misdemeanor and, upon conviction, shall be punished by a fine not exceeding \$1,000 per individual and not exceeding \$5,000 as to a corporation, partnership or association or imprisonment not to exceed one year, or both such fine and imprisonment.

(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 Hunter in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of this Local Law. The Town Board shall be entitled to use one or more means concurrently for the enforcement of any violations of this Local Law.

SECTION 9. SEPARABILITY.

If any claims, sentence, paragraph, section or part of this Local Law shall be adjudged of any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, 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 10. EFFECTIVE DATE.

This Local Law shall become effective immediately after it is filed in the office of the Secretary of State of the State of New York.