

TOWN OF SCHUYLER

LOCAL LAW NO.1 OF THE YEAR 2018

A local law to amend the Town Code by adding a new Chapter #2018-1 entitled, "Mass Gatherings," reasonably regulating the conduct of mass gatherings in the Town of Schuyler enacted by the Town Board of the Town of Schuyler as follows:

The Town Board of the Town of Schuyler is concerned about the effect that public events attracting large numbers of persons would have on the health, safety, and welfare of the residents of the Town of Schuyler and those persons passing through the jurisdiction of the Town of Schuyler. The concentration of large groups of persons for public events could create problems and demands beyond the existing services 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/refuse collection/disposal, ambulance service, policing/traffic control, parking facilities and control/communication systems.

ARTICLE 1

Definitions.

DEFINITIONS. As used in this chapter, the following terms shall have the meanings indicated:

APPLICANT. Any persons or entities seeking to conduct a public event, a mass gathering within the Town of Schuyler.

EVENT. The intentional assembly, meeting or congregating of persons in a particular place, with or without the levy of an admission fee, that 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.

MASS GATHERING. Any event held on private property at which (100) persons or more are expected to participate, either simultaneously or in total in a period of 48 hours or less. This permit shall not apply to the normal operations, activities or affairs of any duly established municipal, recreational, or religious organization or institution (including schools) located within the Town. Family events held on private residential property, in which the applicant/sponsor legally resides on the event location, are exempt. Any established business exceeding its occupancy, will need to apply for a mass gathering permit. It shall also not apply to an operation or use for which the Town planning board has granted site approval.

PUBLIC EVENT. An event held on public property.

PRIVATE PROPERTY. Any property owned by a person or entity other than the Town of Schuyler.

PUBLIC PROPERTY. Any property owned or maintained by the Town of Schuyler and all public streets and roadways within the Town, municipal sidewalks, public parks and other municipal facilities.

ARTICLE 2

Mass Gathering Permits

- A-10. Any person or entity wishing to hold a gathering as defined in this chapter must obtain a mass gathering permit as provided under this article.
- A-11. Application for permits for mass gatherings must be made at least Thirty (30) days prior to the proposed date for the mass gathering.
- A-12. Application for mass gathering permits shall be made to the Town Board and shall include the following information:
 - (A) The name, address and telephone number of the applicant or sponsor;
 - (B) The name, address and telephone number of the property owner, if different from owner;
 - (C) The location, date and times of the proposed event;
 - (D) A brief description of the proposed event;
 - (E) The estimated number of participants;
 - (F) A description of the plan for traffic circulation and parking.
 - (G) A description of the plans for security, crowd control and first aid;
 - (H) A description of the plan for provision of sanitary facilities;
 - (I) A description of the plan for trash receptacles, trash removal and clean up;
 - (J) Whether live or recorded music shall be utilized at the event, and if so, a description thereof including any means of broadcast and/or amplifications.
 - (K) The name of the person or persons who will be in charge of conducting the mass gathering and contact information for the same, such as cellular telephone number.

- A-13. All applications for mass gathering permits shall include a certificated of liability insurance demonstrating that the applicant has secured coverage of at least \$1,000,000 for property damage and \$1,000,000 aggregate for bodily injury. The Town Board is authorized to change the above-stated coverage amounts by resolution.
- A-14. In determining whether to grant applications for permits for mass gatherings, the Town Board shall consider the following criteria:
- (A) The capacity and suitability of the property to host the proposed mass gathering.
 - (B) Whether the plans for traffic circulation, parking, security, crowd control, first aid, sanitary facilities, and trash receptacles and removal are adequate.
 - (C) The extents, if any, to which the proposed mass gathering will impact traffic on local roadways and community resources such as fire protection.
 - (D) The extent, if any, to which the proposed mass gathering will be detrimental to nearby properties and the neighborhood, including noise, light, visual and other environmental impacts.
 - (E) Whether the applicant has a prior history of failing to comply with the terms, conditions and requirements of applicable laws, codes, rules and regulations in the holding of previous public events or mass gatherings.
 - (F) Any apparent and inherent incompatibility between the times and places proposed for the mass gathering and other mass gatherings or public events previously approved or reasonably anticipated to take place at the time of the proposed mass gathering.
- A-15. In granting a mass gathering permit, the Town Board may attach reasonable conditions to such permit and, unless expressly varied or waived by the Town Board, the condition listed below shall apply to all such permits:
- (A) The applicant must provide separate receptacles for trash and recyclable bottles and containers, and must make arrangements for proper disposition of the contents of the said receptacles.
 - (B) Mass gatherings shall be conducted in such a manner as to ensure the public health, safety and welfare and without unreasonably disturbing the peace and tranquility of the public.
 - (C) In conducting a mass gathering the permit holder shall cooperate with and comply with all lawful directives issued by the Town of Schuyler **Code Enforcement Officer**. (*add fire chief/supervisor?*).

- (D) The permit holder shall conduct the mass gathering in such a manner as to minimize the inconvenience or discomfort to adjoining property owners attributable to the event, and shall abate noise to the extent practical.
- A-16. In the event the Town denies permission to hold a mass gathering at the time and place requested, the Town shall promptly provide the applicant with written notice of such denial and shall include in such written notice the reasons for such denial.
- A-17. Permits for mass gatherings shall be subject to payment of a fee to the Town in order to cover the Town's reasonable review and processing costs in such amounts as the Town Board may establish by resolution.
- A-18. The Town shall have the right to revoke any mass gathering permit granted in the event that after granting the permit the Town shall determine that conduct of the proposed mass gathering poses a danger to the health, safety or wellbeing of citizens and/or presents an unreasonable risk of damage or loss to public property or nearby private property.
- A-19. The granting of a mass gathering permit by the Town shall in no way be considered an endorsement or any expression of support, of disagreement or of any position or opinion of the Town whatsoever with respect to the activities, policies, opinions, positions, precepts or other aspects of the persons or group organizing, sponsoring, holding or participating in such mass gathering, and no persons associated in any way with said mass gathering is authorized to or shall make any public statements or representations on behalf of the Town concerning the same.

ARTICLE 3

Site Plan

Attach an outline of the map of the event area to an appropriate scale showing the location of all areas of assemblage including adequate interior roads for emergency access/egress, camping area, concession areas, parking areas, stage area, and security offices. The plan must show that the proposed event is adequately buffered, as determined by the Town permit enforcement office and/or Town Board from all residential area within 500 feet.

ARTICLE 4

Public Liability and Property Damage Insurance

No permit shall be issued unless the applicant furnishes the Clerk of the Town of Schuyler with a comprehensive liability insurance policy insuring the Town against liability for damage to persons or property with limits of not less than \$1,000,000 for bodily injury or death and limits not less than \$1,000,000 for property damage to save the Town harmless from any and all liability or

cause of action which might arise by reason of the granting of the permit. The Town of Schuyler must be named as an additional insured. This insurance policy shall be in effect during the mass gathering, during the set up and take down. Failure to keep this insurance policy in effect, as set forth herein, shall result in the automatic revocation of the permit.

ARTICLE 5

Official Access/Inspection

Inspection of the event facility shall be undertaken by the Schuyler Codes Officer and/or Schuyler Fire Chief, within 24 to 48 hours prior to the start of the event. At this time all compliance and facilities set forth in the application shall be in place. There will be NO scheduled inspections the day of the event. A notarized letter from the landowner and/or applicant to the Town of Schuyler and/or County of Herkimer to permit the Town and County and their lawful agents to go upon the property to inspect the same to determine if there is compliance with all local, county and state laws to provide adequate police, EMS, and fire protection and to protect persons and property from danger, must be filed (15) days prior to event.

ARTICLE 6

Noncompliance With Permit

If the Town Board/designee determines that any of the items as a condition of the permit are not adhered to 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/designee.

ARTICLE 7

Enforcement and Penalties

The Town Board shall appoint an enforcement office, the Schuyler Town Codes Officer, to enforce the provisions of this application. Any person, who shall organize, promote, conduct, operate, or cause to be held a mass gathering within the Town of Schuyler 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 the law shall be deemed to have violated this application, which violation shall be fines not less than \$750 for the first time offense, not less than \$1500 for the second offense, and not less than \$3500 and loss of rights for a period of six months for the third and subsequent offenses.

In addition to the penalties above described, the Town Board may also maintain an action or proceeding in the name of the Town of Schuyler in a court of contempt 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 violation of this law.

ARTICLE 8

Severability

If any part or provision of this local law or the application thereof to any person or circumstance be adjudged by any court of competent jurisdiction, such **judgment** shall be confined in its operation to the part or provision or application directly involved in the controversy in which such **judgment** shall have been rendered and shall not affect or impair the validity of the remainder of this local law or the application thereof to other persons or circumstances, and the Town Board of the Town of Schuyler hereby declares that it would have passed this local law or the remainder thereof had such invalid application or invalid provision been apparent.

ARTICLE 9

Effective Date

This Local Law shall become effective upon filing with the Secretary of State of the State of New York subsequent to having been duly adopted by the Town Board.

APPENDIX A

Application – Mass Gathering/Permit

This application must be completely filled out and submitted to the Schuyler Town Clerk at least (30) days prior to the first day the event is to be held. All such applications shall be accompanied by a statement that the applicant or sponsor will provide the Town with a Certificate of Liability Insurance, which will name the Town as an additional named insured for purposes of holding the event. The applicant shall submit a non-refundable permit fee (\$50) upon submission of the application.

Once issued, this permit needs to be displayed at event.

Section A: Name of Applicant/Contact Information:

Name of Applicant:

Address of Applicant:

Contact Phone (s):

If DBA, Partnership, other entity- List all Names and Addresses:

Section B: Property Owner:

Name of Property Owner: _____

Tax ID Number: _____

Address of Property Owner: _____

Contact Phone(s): _____

Section C: Event:

Proposed Date of Event: _____

Proposed Hours of Event: _____

Maximum Number of People Intended for Event: _____

Maximum People Expected at Any One Time: _____

Number of Automobiles/Vehicles at Any One Time: _____

Purpose of Event: _____

Nature of All Activities Carried on at Event: _____

Admission Fees to be Charged: _____

** Unless specifically waived or varied by the Town Board in granting the permit, public event activity may be conducted during the hours of 7:00 AM to 11 PM

** Any bonfire or fire rings that will be used must be in accordance with and approved by the New York State Department of Environmental Conservation.

Section D: Support Services: Water, Sewage, Security, Food, Police and Fire.

List all persons/businesses providing services, with Phone (s): _____

Section E: Site Plan:

Attach an outline of the map of the event area to an appropriate scale showing the location of all areas of assemblage including adequate interior roads for emergency access/egress, camping areas, concession areas, parking areas, stage areas, and security offices. The plan must show that the proposed event is adequately buffered, as determined by the Town permit enforcement officer and/or Town Board from all residential area within 500 feet.

Section F: Public Liability and Property Damage Insurance:

No permit shall be issued unless the applicant furnishes the Clerk of the Town of Schuyler with a comprehensive liability insurance policy insuring the Town against liability for damage to persons or property with limits of not less than \$1,000,000 for bodily injury or death and limits not less than \$1,000,000 for property damage to save the Town harmless from any and all liability or cause of action which might arise by reason of the granting of the permit. The Town of Schuyler must be named as certificate holder and also named as additional insured. This insurance policy shall be in effect during the mass gathering, during the set up and take down. Failure to keep this insurance policy in effect, as set forth herein, shall result in the automatic revocation of the permit.

Section G: Official Access/Inspection:

Inspection of the event facility shall be undertaken by the Schuyler Codes Officer and/or Schuyler Fire Chief, within 24 to 48 hours prior to the start of the event. At this time all compliance and facilities set forth in the application shall be in place. There will be **NO scheduled inspections the day of the event**. A notarized letter from the landowner and/or applicant to the Town of Schuyler and/or County of Herkimer to permit the Town and County and their lawful agents to go upon the property to inspect the same to determine if there is compliance with all local, county, and state laws to provide adequate police, EMS, and fire protection and to protect persons and property from danger, must be filed (15) days prior to event.

Section H: Noncompliance with Permit:

If the Town Board/Designee determines that any of the items as a condition of the permit is not adhered to 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/Designee.

Section I: Enforcement and Penalties:

The Town Board shall appoint an enforcement officer, the Schuyler Town Codes Officer, to enforce the provisions of this application. Any person, who shall organize, promote, conduct, operate, or cause to be held a mass gathering within the Town of Schuyler 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 written permit in accordance with the provisions of the law shall be deemed to have violated this application, which violation shall be fines not less than \$750 for the first offense, not less than \$1500 for the second offense, and not less than \$3500 and loss of rights for a period of six months for the third and subsequent offenses.

In addition to the penalties above described, the Town Board may also maintain an action or proceeding in the name of the Town of Schuyler in a court of contempt 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 violation of this law.

Applicant Signature Date

Property Owner Signature Date

Town Clerk Date

Approved / Denied

Town Codes Officer Date

Approved / Denied

Schuyler Fire Chief Date

Approved / Denied