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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

SHAWANGUNK

Town

Village

Local Law No. 1 of the year 20 09

A local law entitled "MASS ASSEMBLIES AND SPECIAL EVENTS"
(Insert Title)

Be it enacted by the TOWN BOARD of the
(Name of Legislative Body)

County

City

of

SHAWANGUNK

Town

Village

as follows:

Chapter 57

MASS ASSEMBLIES AND SPECIAL EVENTS

- §57-1 Legislative intent and purpose
- §57-2 Permit required; promoters, landowners and tenants
- §57-3 Application for permit; required information
- §57-4 Insurance and bond requirements.
- §57-5 Limitation of attendance.
- §57-6 Denial or revocation of permit.
- §57-7 Inspections.
- §57-8 Penalties for offenses; enforcement.
- §57-9 Exemption.
- §57-10 Other Regulations.
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- §57-13 Effective Date

§57-1 Legislative Intent and Purpose.

The Town Board of the Town of Shawangunk finds that outdoor mass assemblies or special events involving a large number of persons has the potential to adversely
(If additional space is needed, attach pages the same size as this sheet, and number each.)

impact health, safety and welfare of the residents of the Town of Shawangunk and of those persons passing through the jurisdiction of the Town of Shawangunk. These types of events create demands beyond the capability of the existing municipal services and facilities available in the Town of Shawangunk, including ambulance, police and fire protection, impede the free flow of traffic on public highways, and create noise and damage and injury to persons and property adjoining the location of such events. The Town Board finds that adequate provision must 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, traffic control, parking facilities and control; and communications system, 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 Shawangunk to adopt and establish certain rules and regulations and to regulate and license the conduct of outdoor assemblies or special events reasonably expected to attract more than five hundred (500) persons.

§57-2 Permit required; promoters, landowners and tenants.

- A. No person, partnership, association, corporation, limited liability company or other entity, or any combination thereof, shall organize, promote, conduct, operate or cause to be operated any outdoor assembly of persons within the jurisdiction of the Town of Shawangunk where there is reason to believe that such event will attract five hundred (500) or more persons unless a permit first has been obtained pursuant to this chapter. A separate permit shall be required for each such event.
- B. No owner, lessee, licensee or other person, partnership, association, corporation, limited liability company or other entity, or any combination thereof, owning, having any right to or any interest in any real property within the jurisdiction of the Town of Shawangunk shall license, rent, lease or otherwise permit the use of such real property, or any part thereof, for outdoor assembly where there is

reason to believe that such event will attract more than five hundred (500) persons, unless a permit first has been obtained pursuant to this chapter.

§57-3. Application for permit; required information.

- A. Written application for a permit for such outdoor assembly or special events shall be made to the Town Board of the Town of Shawangunk by filing with the Town Clerk, in triplicate, a verified application containing the information hereinafter required, at least sixty (60) days prior to the first day upon which such outdoor 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 complete application is filed with the Town Clerk. No permit shall be granted unless the applicant fully complies with all of the requirements of this chapter.
- B. A complete application shall include the following information:
- (1) A statement of the name, date of birth and residence address for 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; or, if the applicant is a partnership, organization or limited liability company, the names, addresses and ages of each and every individual associated with the partnership, corporation, company or other entity. Any address utilizing a post office box must also include the actual residence or business address of the individual, partnership, corporation or other entity.
 - (2) A statement containing the name and address of the record owner of the real property upon which the event(s) is to occur and the nature and interest of the applicant in such property; the proposed dates and hours of such event; the expected minimum and maximum numbers of persons expected 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 concessionaries and other persons providing any services or facilities under contract, lease or other arrangement for the event.

- (3) A detailed drawing to scale 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 or other vehicles and the means of ingress and egress to such parking areas; the location of all service and other roads serving any camping areas, food services, toilet facilities, garbage and refuse collection facilities and the entertainment and performance areas.
- (4) A detailed plan, statement and contracts with drawings showing the methods and locations to be used for toilet facilities and for the disposal and treatment of sanitary sewage, all as must be approved by the Ulster County Department of Health.
- (5) A detailed plan and statement with drawings showing the distribution and supply system for supply, storage and distribution of drinking water, all as must be approved by the Ulster County Department of Health.
- (6) A detailed plan and statement with drawings showing the layout of parking areas off public roadways for automobiles or other vehicles and the methods of traffic control to be used. Such parking areas shall provide, at a minimum, parking space of acceptable size for one (1) automobile for every four (4) persons in attendance or one (1) bus for each forty (40) persons traveling by bus or such additional parking spaces as the Town Board may require based upon the specific application under review.
- (7) A detailed plan, contracts, license or permits showing the facilities for the preparation, storage, sale and distribution of food and alcoholic beverages 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, all as must be approved by the Ulster County Department of Health.

- (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 security plan must include provisions to contain the attendees to the site of the event and to prevent trespass on off-site properties. The security plan must include a reasonable and immediate remedy to address complaints from neighboring property owners regarding attendees who leave the site and enter neighboring properties without the permission of the owners of those properties. The Town Board may refer the security plan to the Town of Shawangunk Police Department for recommendations and for an estimation of the costs of any additional police coverage that may be required for the event. The applicant shall be liable for the payment of all such reasonable additional costs per Section 57-4 (c) below.
- (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 purpose. The Town Board may refer the fire protection plan to the appropriate fire district for its recommendations.
- (10) A detailed plan and statement specifying the facilities to be available for medical, nursing and ambulance service. The applicant shall furnish to the Town Board the names and qualifications of all medical personnel the applicant will provide for the event and the Town Board may refer such plan to the appropriate ambulance corps for its recommendations.
- (11) A detailed plan for the use of temporary directional signs to provide proper direction to the location of the event.
- (12) A detailed description of all insurance policies and surety bonds, if required, to be provided by the applicant for the protection of the general public, the Town of Shawangunk 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 and must be approved as to form and the amount of coverage.

- (13) A subscribed authorization from the owner of the real property upon which the event is to be held to permit agents of the Town of Shawangunk to enter the property for the purpose of inspecting the same to determine if there is compliance with the requirements of this chapter.
- (14) A statement subscribed by the applicant that the applicant will specify in advertisement and promotional endeavors the limitation on the numbers 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 in excess of such maximum amount.
- (15) Detailed plans for amplifying equipment designed to control the noise level at the perimeter of the site to no more than seventy (70) decibels on the A scale of a sound level meter which meets the specifications of the American National Standards Institute or its equivalent.
- (16) A detailed plan indicating how the applicant will monitor and record the number of tickets sold and the number of attendees at the event so that the number of attendees and the number of ticket holders will not exceed the maximum number established in the permit. The plan must include the method by which the applicant will refuse entry after the maximum attendance figure has been reached. The plan must provide for the periodic recording with the Town of the number of tickets sold or issued prior to the event and a cumulative record of the total number of tickets sold or issued which shall be maintained at all times at the site and available for inspection immediately and periodically upon demand.
- (17) A detailed plan indicating all lights other than the permanent building lights and the measures to be taken to prevent any source of exterior lighting from becoming a nuisance across property lines.
- (18) A plan showing that the proposed activity is adequately buffered from all residential dwellings within five hundred (500) feet.

- C. If the Town Board of the Town of Shawangunk shall decide upon a showing of good cause that certain conditions or requirements as hereinbefore set forth shall not be applicable to a particular set of circumstances, then the Board may modify the foregoing requirements on a case-by-case basis. Also, in a unique situation where, in the discretion of the Town Board, it appears that different conditions may be necessary to maintain peace and order or to protect neighboring properties, then such additional or substitute reasonable conditions may be imposed by the Board.
- D. The Town Board, in its discretion, may require prior notice to neighborhood or area property owners either prior to permit issuance or prior to the date of the beginning of the event.

§57-4 Insurance and bond requirements.

- A. No permit shall be issued unless the applicant shall furnish the Town of Shawangunk with a comprehensive liability insurance policy insuring the town against liability for damage to persons or property, with limits of not less than five hundred thousand dollars (\$500,000.) for bodily injury or death to one (1) person or up to two million dollars (\$2,000,000.) for bodily injury or death in one (1) 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 reason of the granting of the permit. All insurance shall be noncancelable without ten (10) days' prior written notice to the Town. The Town shall be a named insured on all policies.
- B. No permit shall be issued unless the applicant shall deposit with the Town Clerk of the Town of Shawangunk a cash deposit, approved by the Town of Shawangunk, in such sum 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 cash escrow shall serve as an indemnity to save and protect the streets, pavement, bridges,