

(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.

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
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- §57-8 Penalties for offenses; enforcement.
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§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,

road signs and other property of the Town of Shawangunk 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 town for damages to streets, pavement, bridges and other property and to reimburse the town for any and all reasonable expense necessitated by the event and by the reasonable costs of permit review and approval.

- C. The cash deposit or its balance shall be returned to the person or entity that posted it, without interest, 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. All disbursements from said deposit shall be subject to audit at anytime upon reasonable prior notice.

§57-5 Limitation of 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 and ticket issuance to such maximum number and shall include such limitation in its promotional materials. No tickets shall be sold or issued at or near the site of the event during the term of the event after the maximum number of attendees and ticket holders has been reached.

§57-6 Denial or revocation of permit.

The Town Board may deny or revoke any such permit if there is a violation of any law or ordinance of the Town of Shawangunk or law of the State of New York or of the United States of America. The Town Board also may deny the permit for the following reasons:

- A. If any time during the preceding twelve (12) months a permit for a large outdoor assemblage of persons in the name of the applicant or at the premises described in the application has been denied or revoked for cause.
- B. If the permit application is not complete or does not specify adequate controls to assure compliance with the provisions of this chapter.
- C. If the Town finds false information in application and, after having the opportunity to be heard, the applicant fails to provide an explanation and/or correction to the satisfaction of the Town Board.

§57-7. Inspections.

- A. The permit must be kept on the premises and presented by the applicant for inspection to any duly appointed designee of the Town of Shawangunk and/or to a police officer of the Town of Shawangunk, Ulster County or New York State, upon request by said officer.
- B. Employees or agents of the State of New York, County of Ulster or Town of Shawangunk may inspect the premises covered by the permit and its environs and, upon finding violations of conditions of said permit, may issue a summons for violations of this chapter.

§57-8 Penalties for Offenses. Enforcement.

- A. Any person, partnership, association, corporation, company, entity, landowner, lessee or licensee who shall organize, promote, conduct, operate or cause to be operated an outdoor assembly of persons within the Town of Shawangunk for which said person, persons, partnership, association, corporation, landowner, lessee or licensee believes or has reason to believe will attract five hundred (500) or more persons without having a written permit in accordance with the provisions of this chapter or, if any permit condition is violated, there shall be deemed to have been a violation of this chapter, which violation shall be deemed to be a misdemeanor and, upon conviction, shall be punishable by a fine not

exceeding one thousand dollars (\$1,000.) per individual and not exceeding five thousand dollars (\$5,000.) as to a corporation, company, entity, partnership or association, or imprisonment for a term not to exceed one (1) year, or both such fine and imprisonment. Each occurrence or day of a continuing occurrence shall be deemed a separate violation and each condition violated shall be deemed a separate violation.

- B. In addition to the penalties above described, the Town Board also may maintain an action or proceeding in the name of the Town of Shawangunk in a Court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of this chapter. The Court, in its discretion, may award the Town its reasonable costs, disbursements and attorneys fees in connection with such action or proceeding. The Town Board shall be entitled to use one (1) or more means concurrently for the enforcement of any violation of this chapter.

§57-9 Exemptions.

Any mass assembly or special event sponsored by or specially approved by the Town Board of the Town of Shawangunk shall be exempt from the permit requirements as set forth above. Likewise, outdoor events sponsored solely by and held on the property of the Wallkill Central School District including, without limitation, athletic events, shall be exempt. Notwithstanding, exempt activities shall comply with the health and public safety requirements as herein set forth. For the purposes of this chapter, public parades, historical tours, garden tours and like events shall not be deemed to be subject to the provisions of this chapter.

§57-10 Other Regulations.

The provisions of this chapter do not supercede any other County, State or Federal law rule or regulation regarding mass gatherings/public assemblies. Without limiting the foregoing, the New York State Public Health Law at Section 225 (5) (o) requires a separate permit for special events that exceed 5,000 persons and continue for twenty-four (24) hours or more.

§57-11 Repealor.

Local Law #1 of 1981, also known as Chapter 57 of the Code of the Town of Shawangunk, hereby is repealed in its entirety and replaced by this local law.

§57-12 Severability.

If any section or subsection, paragraph, clause, phrase or provision of this local law shall be adjudged invalid for any reason or shall be deleted or subsequently repealed, the same shall not affect the validity of this local law as a whole or any part or provisions hereof other than the part to be adjudged to be invalid and/or deleted and/or subsequently repealed.

The determination by any court of competent jurisdiction that any provisions of the within local law is unenforceable, invalid, void, unconstitutional or in conflict with federal or state law shall not in any way affect the enforceability or validity of any other provisions contained herein.

§57-13 Effective Date.

This local law shall take effect immediately upon publication and filing with the Secretary of State in accordance with the Municipal Home Rule Law of the State of New York.

BE IT ENACTED THIS 2nd DAY OF July, 2009 BY THE TOWN BOARD OF THE TOWN OF SHAWANGUNK, COUNTY OF ULSTER, STATE OF NEW YORK.

JOHN VALK, JR., SUPERVISOR

ADRIAN M. DEWITT, COUNCILMAN
ROBERT T. MILLER, COUNCILMAN
BRIAN AMTHOR, COUNCILMAN
MATTHEW WATKINS, COUNCILMAN

Margaret Y. Tremper

MARGARET Y. TREMPER, TOWN CLERK
TOWN OF SHAWANGUNK

ATTEST:

TOWN SEAL:

(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 2009 of the ~~(County)(City)(Town)(Village)~~ of SHAWANGUNK was duly passed by the TOWN BOARD on July 2 2009, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

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)(repassed after disapproval) by the _____ on _____ 20____. 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.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

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)(repassed after disapproval) by the _____ on _____ 20____. Such local 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.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

*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.

Margaret Y. Tremper

Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body
Margaret Y. Tremper, Town Clerk

(Seal)

Date: July 2, 2009

(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 ORANGE

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.

Richard W. Hoyt

Signature RICHARD W. HOYT

Attorney for the Town of Shawangunk
Title

~~County~~
~~City~~ of SHAWANGUNK
Town
~~Village~~

Date: July 7, 2009